

Public Health Legislation from the 2006 California Legislative Session

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Legislative Council,
Alameda County Public Health Department



Purpose

This document was created to serve as a reference guide for Alameda County Public Health Department (ACPHD) staff and community members. It provides a brief summary of all public health related legislation considered during the 2006 session of the California State Legislature and is organized by Divisions and the Department's strategic directives (safety, shelter and transportation).

The intent of this document is to provide you with background on existing legislation, to help you identify gaps requiring additional legislation, and to motivate you to become active in the legislative process. A more detailed description of all included legislation can be found at www.leginfo.ca.gov, which was the main source for this document and the bill summaries.

Definitions

The final status of each bill will be listed as one of the following:

- **CHAPTERED** – A chaptered bill is one that was passed by the legislature, delivered to the governor, and signed into law by the governor.
- **VETOED** – A vetoed bill is one that was passed by the legislature, delivered to the governor, and vetoed by the governor. This bill did not become law.
- **All others** – Any other status listed other than chaptered or vetoed indicates that the bill did not make it through the legislature and was not delivered to the governor.

Legislative Council

This document was prepared under the auspices of the Alameda County Public Health Department Legislative Council. The Legislative Council is comprised of eight active members from the following divisions and areas: Administrative Services, Community Health Services, Communicable Disease Control & Prevention, Emergency Medical Services, Family Health Services, Public Health Nursing, the Office of AIDS, and the Office of the Director. The mission of the Council is to raise awareness of public health issues throughout Alameda County and to develop and implement a locally focused, strategic legislative plan for ensuring that public health policies and programs are based on community needs and interests. We encourage you to participate in the legislative process by helping to shape the legislative priorities of the department, by encouraging the department to adopt a position on legislation, and by developing legislative proposals. You are also welcome to attend one of the Council's bi-weekly meetings to observe the Council's process. For additional information about the Legislative Council contact Pam Willow, the Legislative Council Coordinator, at 208-5905 or Pam.Willow@acgov.org or visit us on the web at <http://www.acgov.org/publichealth/>.

Feedback

We would appreciate any feedback on the usefulness of this document and how it can be improved upon in the future. Please forward any questions or comments to Pam Willow, the Legislative Council Coordinator, at 208-5905 or Pam.Willow@acgov.org.

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Community Health Services

- AB 264
Chan *Health care service plans: pediatric asthma*
Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the regulation and licensure of health care service plans by the Department of Managed Health Care and makes a willful violation of the act's requirements a crime. Under the act, a health care service plan contract that covers prescription drug benefits is required to provide coverage for specified equipment and supplies for the treatment of pediatric asthma. This bill would require a health care service plan contract, as specified, to include coverage for outpatient training and education necessary to use the medications and devices prescribed for the treatment of pediatric asthma.
Status: VETOED
- AB 273
Baca *Sale of alcoholic beverages: alcohol vaporized device*
The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control. This bill would prohibit the sale, purchase, and use of any vaporized form of alcohol produced by an alcohol vaporizing device, as defined. This bill would also provide that a person who purchases or uses any vaporized form of alcohol produced by an alcohol vaporizing device is subject to a fine of \$250. This bill would also provide that a person who sells or offers for sale any vaporized form of alcohol, or who possesses, sells, or offers for sale any alcohol vaporizing device, is guilty of a misdemeanor and is subject to imprisonment in a county jail, or a fine of not more than \$1,000, or both.
Status: CHAPTERED
- AB 454
Sharon
Runner *Alcoholic beverages: underage drinking*
Under the Alcoholic Beverage Control Act, it is a misdemeanor for any person to provide an alcoholic beverage to a person under the age of 21 years who consumes the beverage and thereby proximately causes great bodily injury or death, as specified. This bill would make the act of providing an alcoholic beverage to a person who the provider knew, or reasonably should have known, was under the age of 21 years, and the person under the age of 21 years thereafter consumes the alcohol and thereby proximately causes great bodily injury or death to himself, herself, or any other person, and the provider knew, or reasonably should have known of that danger, punishable as either a misdemeanor or a felony, as specified.
Status: To Sen. Com. on Pub. S. Set second hearing. Failed passage. Reconsideration granted. (last activity 6/28/05)
- AB 469
Yee *School food: nutrition guidelines*
Existing law requires the State Department of Education to develop and maintain nutrition guidelines for school lunches and breakfasts, and for all food and beverages sold on public school campuses. This bill would also require the department to develop and maintain those guidelines for all food and beverages served on public school campuses. Existing law requires the nutrition guidelines to include guidelines for fat, saturated fat, and cholesterol, and to specify that if comparable food products of equal nutritional value are available, the food product lower in fat, saturated fat, or cholesterol shall be used. This bill would include sugar and sodium within those guideline provisions.
Status: VETOED
- AB 569
Garcia *Pupil nutrition: school meals: school breakfast*
(1) Existing law requires each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide one nutritionally adequate free or reduced-price meal for each needy pupil during each schoolday, except as specified. Existing law permits a school district or county office of education to use funds made available through any applicable federal or state program or to use its own funds to provide the required meals. Existing law requires the State Department of Education to award grants, as specified, to school districts and county offices of education for the initiation and expansion of school breakfast programs and summer food service programs. Existing federal law provides additional funding, the lesser of

specified meal reimbursement rates or 100% of the operating costs of a breakfast program, for school districts that meet certain qualifications deemed to indicate severe need and that are operating or desire to initiate a school breakfast program. This bill would require the department to conduct a study on or before March 31, 2007, on certain matters relating to the feasibility of requiring schools that meet the qualifications for the federal severe need reimbursement to offer breakfast. The bill would require the department to report the results of the study to the Legislature on or before April 30, 2007. (2) This bill would appropriate \$170,000 from the General Fund to the department for purposes of performing the specified study regarding the offering of school breakfast. (3) This bill would declare that it is to take effect immediately as an urgency statute.

Status: CHAPTERED

AB 616
Vargas

Public buildings: smoking areas

Existing law prohibits a public employee or member of the public from smoking any tobacco product in a public building, in an outdoor area within 20 feet of a main exit, entrance, or operable window of a public building, or in a passenger vehicle owned by the state. This bill would additionally prohibit a public employee or member of the public from smoking any tobacco product in an outdoor area enclosed on at least 4 sides by a state public building or buildings with certain exceptions.

Status: In Senate. Read first time. To Com. on RLS. For assignment. (last activity 6/06/05)

AB 1334
Salinas

Dentistry: registered dental hygienists

Under existing law, the Dental Practice Act, dental auxiliaries are licensed and regulated by the Committee on Dental Auxiliaries and the Dental Board of California. Existing law authorizes a registered dental hygienist in alternative practice to perform certain functions of a registered dental hygienist, subject to specified conditions. Existing law authorizes a registered dental hygienist in alternative practice to perform dental hygiene services for a patient who presents a prescription for the services issued by a dentist or physician and surgeon who has performed a physical examination and a diagnosis of the patient prior to the prescription being provided, as specified. The prescription may be valid for a period not to exceed 15 months. This bill would require a registered dental hygienist in alternative practice to obtain written verification that a patient has been examined by a dentist or physician and surgeon if the hygienist provides services to the patient 18 months or more after the first date that the hygienist provides services. The bill would require that the verification include a prescription for dental hygiene services, which prescription may be valid for a period not to exceed 2 years. The bill would provide that failure to comply with these provisions would be considered unprofessional conduct. Existing law authorizes a registered dental hygienist or a registered dental hygienist in extended functions to perform specified procedures in designated settings under the direct supervision of a registered dental hygienist. This bill would also authorize a registered dental hygienist in alternative practice to directly supervise the performance of these procedures.

Status: CHAPTERED

AB 1430
Goldberg

Air Contaminants

Existing law requires the State Air Resources Board to develop and adopt, at a public hearing, a methodology for use by air pollution control districts and air quality management districts to calculate the value of credits issued for emission reductions from stationary, mobile, indirect, and areawide sources, including those issued under market-based incentive programs, when those credits are used interchangeably, with certain requirements. Existing law specifies that the state board shall perform specified functions in developing the methodology. Existing law also requires the state board to periodically update the methodology as it applies to future transactions, if necessary. This bill would require the state board's environmental justice advisory committee to review each updated methodology.

Status: CHAPTERED

AB 1535
Bass

School instructional gardens: pupil nutrition

(1) Existing law establishes the Instructional School Gardens Program for the promotion, creation, and support of instructional school gardens by eligible educational agencies, as defined. Existing law

requires that the program be administered by the State Department of Education through the allocation of one-time grants and technical assistance to applicant eligible educational agencies. Existing law authorizes the department to consult with the California Integrated Waste Management Board (CIWMB) and public institutions of higher education, regarding curriculum development and evaluation of any program established pursuant to the Instructional School Gardens Program. This bill would revise those provisions to make grants and technical assistance available to charter schools as well as school districts and county offices of education. The bill, instead of requiring the department to consult with specified entities, would require the Superintendent of Public Instruction to convene an interagency working group on instructional school gardens, which would include, but not be limited to, representatives of the State Department of Education, the Department of Food and Agriculture, the State Department of Health Services, and the CIWMB. The bill would require that interagency working group to advise the Superintendent on, among other things, effective and efficient means of encouraging school districts, charter schools, and county offices of education to establish and maintain instructional school gardens. The bill would authorize the Superintendent to establish an advisory group involving other agencies and groups with expertise in instructional school gardens, which would include, but not be limited to, the California Environmental Education Interagency Network. The bill would provide that the purpose of that advisory group is to support program efforts, as specified. The bill would require the Superintendent to use existing resources to establish the interagency working group and advisory group and would require the Department of Food and Agriculture, the State Department of Health Services, and the CIWMB to use existing resources for their participation in the working group. The bill would authorize a school district, charter school, or county office of education to apply to the Superintendent for funding for a 3-year grant in a manner determined by the Superintendent in order to develop and maintain an instructional school garden program. The bill would require applications, at a minimum, to indicate the school or schools at which the instructional school gardens are, or are to be, located; the grade level or grade levels to be targeted; the potential number of classes within the grade levels and number of pupils who would use the instructional school gardens; and the intended items of expenditure for any funds received. The bill also would require the application to include an explanation of the specified 6-month reporting requirement. The bill would limit the grants to a maximum of \$2,500 per schoolsite, except that a school district, charter school, or county office of education that applies on behalf of one or more schoolsites with an enrollment of 1,000 or more pupils would be eligible for a grant of a maximum of \$5,000 per schoolsite with an enrollment of 1,000 or more pupils. The bill would permit the Superintendent to award a grant during the period from the 2006–07 fiscal year to the 2008–09 fiscal year, inclusive, for instructional school garden equipment or supplies to a school district, charter school, or county office without requiring that district, charter school, or county office to have received a grant for instructional school garden professional development. The bill would require a school, school district, or county office of education, as a condition of receiving funding, within 6 months of the final expenditure of the instructional school garden funds received to report to the Superintendent, in a manner prescribed by the Superintendent, in conjunction with the interagency working group, regarding the use of the funds and the manner in which the instructional school garden or gardens are used to complement the academic program of the participating school or schools. The bill would permit a school district or county office of education to submit one report for all of the schools receiving grants that are under the jurisdiction of the district or county office. (2) Existing law provides that the program will be implemented only if funds are available for it. This bill would repeal that provision. (3) Existing law reappropriates \$15,000,000 to supply schools with garden supplies and equipment. Existing law requires the department to allocate a minimum of \$500 to each school, as specified, and allocates the balance of remaining funds to school districts on a per-pupil basis. This bill, instead, would reappropriate those funds to supply school districts, charter schools, and county offices of education with garden equipment, supplies, and professional development related to the establishment and operation of a 3-year instructional school garden program, as specified.

Status: CHAPTERED

AB 1779
Karnette

Elementary schools: physical education

Existing law requires that pupils in grades 1 to 6, inclusive, and pupils in grades 1 to 8, inclusive, who attend an elementary school, engage in not less than 200 minutes of physical education each 10

schooldays. This bill instead would require that pupils in grades 1 to 6, inclusive, and pupils in grades 1 to 8, inclusive, who attend an elementary school, engage in not less than 20 minutes of physical education each school day, if mutually agreed upon through collective bargaining that is not undertaken for the sole purpose of determining the manner in which pupils shall be provided with the required minimum number of minutes of instruction in physical education. This bill would require that, if a mutual agreement is not reached through collective bargaining, the specified pupils engage in not less than 200 minutes of physical education each 10 schooldays, with physical education taught a minimum of 3 schooldays each school week. By requiring that physical education be taught on a minimum of 3 schooldays each school week, this bill would impose a state-mandated local program. Existing law gives public school employee organizations the right to represent their members in their employment relations with public school employers and limits the scope of representation to matters relating to wages, hours of employment, and other terms and conditions of employment, as defined. Existing law provides that subjects other than those specified may not be included as part of collective bargaining. This bill would make physical education curriculum subject to meeting and negotiation.

Status: Died in Assembly Appropriations Com.

AB 1790
Cohn

California Fresh Start Pilot Program

Existing law establishes in state government the California Fresh Start Pilot Program, administered by the State Department of Education in consultation with the Department of Food and Agriculture and the State Department of Health Services, to encourage public schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide fruits and vegetables that have not been deep fried to pupils in order to supplement other fruits and vegetables that have not been deep fried and that are available to those pupils, and in order to promote the consumption of nutritious fruits and vegetables by schoolage children. Existing law requires that, of the funds appropriated in a specified item of the Budget Act of 2005, \$400,000 be available for the State Department of Education to provide grants to a county office of education or a community college selected on a competitive basis, to be allocated in the amount of not more than \$100,000 to develop an online professional development seminar for schoolsite staff on serving, marketing, and promoting nutritious fruits and vegetables, and not more than \$300,000 to contract with an independent evaluator to conduct a comprehensive evaluation, as specified. This bill would replace references to "nutritious" fruits and vegetables with references to "fresh" fruits and vegetables in the above-described provisions of existing law.

Status: Died in Assembly Agriculture Com.

AB 1845
Chavez

Physical education

Existing law, until June 30, 2007, authorizes the governing board of a school district or the office of the county superintendent of schools, with the consent of a pupil, to grant the pupil exemption from physical education courses for 2 years anytime during grades 10 to 12, inclusive. Existing law, beginning on July 1, 2007, authorizes the governing board of a school district or the office of the county superintendent of schools, with the consent of a pupil, to grant the pupil exemption from physical education courses for 2 years anytime during grades 10 to 12, inclusive, if the pupil has passed a physical performance test administered in the 9th grade, as specified. Existing law authorizes the governing board of a school district or the office of the county superintendent of schools to grant a pupil permanent exemption from courses in physical education if the pupil is 16 years of age or older and has been enrolled in the 10th grade for one academic year or longer. This bill would delete the authority of a school district and office of county Superintendent of schools to grant those exemptions and would make conforming changes.

Status: Died in Assembly Com. on Education

AB 1870
Lieber

Air pollution: motor vehicle inspection and maintenance

(1) Existing law establishes a motor vehicle inspection and maintenance (smog check) program, developed, implemented, and administered by the Department of Consumer Affairs. The duty of enforcing and administering the program is vested in the Chief of the Bureau of Automotive Repair within the department. Existing law prohibits the operation of a motor vehicle in a manner that results in the escape of excessive smoke, flame, gas, oil, or fuel residue. This bill would require the Department of Consumer Affairs to incorporate a visible smoke test into the motor vehicle inspection

and maintenance program by January 1, 2008, so that any visible smoke from the tailpipe or crankcase of a motor vehicle during an inspection would result in a failure of the test. The bill would provide that steam resulting from condensation by itself shall not lead to an inspection failure. The bill would authorize a motor vehicle owner who disputes the failure of a visible smoke test to seek resolution of the matter by contacting the state designated referee. The bill would require the department, in consultation with the State Air Resources Board and interested parties, to adopt regulations to implement these provisions. (2) Existing law establishes the Inspection and Maintenance Review Committee to analyze the effect of the improved inspection and maintenance program on motor vehicle emissions and air quality, as specified. Existing law requires the review committee to submit periodic written reports to the Legislature and the Governor on the performance of the program, including quantification of the reduction in emissions and improvement in air quality attributed to the program, and make recommendations on program improvements at least every 12 months. This bill would require the review committee, on or before July 1, 2010, to include a discussion of the effectiveness of the visible smoke test component of the inspection and maintenance program in its periodic reports to the Legislature and the Governor, as specified. 3) Existing law provides for a repair cost waiver for a vehicle that has been properly tested but does not meet the applicable emission standards, if it is determined that no adjustment or repair can be made that will reduce emissions from the inspected vehicle without exceeding specified repair cost limits. This bill would require that no repair cost waiver be issued where a motor vehicle has failed the visible smoke test unless specified exceptions apply. (4) Existing law provides for a repair assistance program available to an individual whose maximum income level is 200 percent of the federal poverty level and is the owner of a motor vehicle that has failed a smog check inspection or received a notice to correct, as specified, or an individual who has failed a smog check inspection and is directed to a test-only facility, as specified. Existing law provides that the department may increase its contribution toward the repair of a motor vehicle in excess of \$450, if the department determines that the expenditure is cost effective. This bill would require the department to consider a failure of the visible smoke test and the costs associated with repairing a smoking vehicle in making this determination. (5) Existing law provides that the department may specify the amount of money that may be paid to an owner of a high-polluting motor vehicle who voluntarily retires the vehicle. Existing law requires that the department base the amount on the cost-effectiveness and the air quality benefit of retiring the vehicle, as determined by the department. This bill would allow the owner of a motor vehicle that has failed its most recent smog check inspection to retire the vehicle from operation at a dismantler under contract with the Bureau of Automotive Repair, and would require the department to pay this person up to \$1,500, or more as specified.

Status: CHAPTERED

AB 1888
Dymally

University of California: obesity, diabetes, and related illness center

Under existing law, the University of California is a public trust, administered by the Board of Regents. This bill would request that the Regents of the University of California establish and administer an Institute for the Study of the Phenomenon of Obesity and Diabetes Experimental Research (PODER) at the University of California, Irvine, in coordination with the Charles R. Drew University of Medicine and Science, and establish and administer one or more clinics that are affiliated with the PODER Institute to focus on individuals or groups who suffer from obesity and diabetes, as defined. The bill would express the intent of the Legislature to appropriate funds in the Budget Act of 2006 in order to implement the bill.

Status: Died in Assembly Appropriations Com.

AB 1916
Garcia

Pupil nutrition: school meals

Existing law requires each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide one nutritionally adequate free or reduced-price meal for each needy pupil during each schoolday, except as specified. Existing law permits a school district or county office of education to use funds made available through any applicable federal or state program or to use its own funds to provide the required meals. Existing law requires the State Department of Education to award grants, as specified, to school districts and county offices of education for the initiation and expansion of school breakfast programs and summer food service programs. This bill would require each schoolsite meets the qualifications for

federal severe need reimbursement to offer breakfast beginning with the 2007-08 school year. The bill would authorize the State Department of Education to consider granting waivers of this requirement if the local school governing board declares that the operation of the program is financially infeasible even with a startup or expansion grant, and requires the department to provide the school district or county office of education seeking a waiver with technical assistance to attempt to overcome any barriers the school district or county office of education is experiencing prior to granting the waiver. This bill would require that schools offering the federal School Breakfast Program for the first time pursuant to these provisions receive a priority for funding through the startup and expansion grant program.

Status: Died in Assembly Appropriations Com.

AB 2001
Cogdill

Cigarettes and tobacco products

The Cigarette and Tobacco Products Tax Law requires distributors and wholesalers of cigarette and tobacco products to be licensed by the State Board of Equalization. The Cigarette and Tobacco Products Tax Law also requires a tax imposed by that law with respect to distributions of cigarettes to be paid by distributors through the use of stamps or meter register settings, and requires that these stamps or meter register settings be affixed to each package of cigarettes sold. Existing law requires all distributors of cigarette and tobacco products that are required to be licensed by the State Board of Equalization to furnish a \$1,000 security deposit. Existing law, until January 1, 2007, requires a distributor, that defers payments for stamps or meter register settings and elects to make those payments on a twice-monthly basis, to furnish a security deposit of at least 50%, but not more than twice the amount of, stamps and meter register settings, for which payment is deferred. For calendar years beginning on and after January 1, 2007, the amount of the security deposit is increased to 70% of, but not more than twice the amount of, stamps and meter register settings for which payment is deferred. Existing law allows a distributor, who defers payment, to post a security deposit in cash, or a cash equivalent, or surety bond. Existing law, until January 1, 2007, requires distributors that defer payments for stamps and meter register settings to elect to remit those payments either on a monthly or on a twice-monthly basis. For calendar years beginning on and after January 1, 2007, the payments are required to be made on or before the 25th day of the month following the month in which the payments are deferred. Existing law, until January 1, 2007, requires distributors of cigarettes and tobacco products that elect to defer payments on a twice-monthly basis to file the report on or before the 5th day of the month following the month during which the cigarettes or tobacco products were distributed. For calendar years beginning on and after January 1, 2007, those reports are required to be filed on or before the 25th day of the month following the month during which the cigarettes or tobacco products were distributed. This bill would delete the repeal dates specified in existing law, extending the operation of the deferred-payment option.

Status: CHAPTERED

AB 2013
Saldana

Alcoholic beverages: Youth Alcohol Problem Prevention Fund

The Alcoholic Beverage Control Act imposes upon the Department of Alcoholic Beverage Control the responsibility to administer and enforce state laws with respect to alcoholic beverages, including the classification of alcoholic beverages into the categories of beer and distilled spirits for the purposes of tax collection. Existing law requires all money collected as taxes under the Alcoholic Beverage Control Tax Law be deposited in the State Treasury to the credit of the Alcoholic Beverage Control Fund for specified purposes. This bill would require all surtaxes, penalties, and interest, resulting from the reclassification of an alcoholic beverage from a beer to a distilled spirit, be transferred to the Youth Alcohol Problem Prevention Fund created by this bill. This bill would continuously appropriate the money in this fund to the Department of Alcoholic Beverage Control and the State Department of Alcohol and Drug Programs, as specified, for programs designed to reduce the unlawful consumption of alcohol by underage minors. This bill would declare that it is to take effect immediately as an urgency statute.

Status: Died in Assembly Governmental Organizations Com.

AB 2067
Oropeza

Smoking: enclosed spaces of buildings

Existing law prohibits smoking of tobacco products inside public buildings, as defined, but excludes covered parking lots from this prohibition. Existing law additionally prohibits smoking in all

enclosed spaces of places of employment, as defined. This bill would define "covered parking lot," for purposes of the exclusion from the prohibition with respect to public buildings, to exclude lobbies, lounges, waiting areas, elevators, stairwells, and restrooms that are a structural part of the covered parking lot, thereby making these areas subject to the smoking prohibition. This bill would also add a definition of "enclosed space" to the law that prohibits smoking in enclosed spaces of certain places of employment to include lobbies, lounges, waiting areas, elevators, stairwells, and restrooms that are a structural part of the building that is the place of employment. The violation of the prohibition against smoking in enclosed spaces of places of employment is an infraction punishable by a specified fine. By expanding the scope of an infraction, this bill would impose a state-mandated local program.

Status: CHAPTERED

AB 2121
Nava

Farm Fresh Schools Program

Existing law establishes various programs with purposes of disease prevention and health promotion, including the "5 A Day--For Better Health" program, which has the purpose of promoting public awareness of the need to increase the consumption of fruits and vegetables as part of a low-fat, high-fiber diet in order to improve health and prevent major chronic diseases, including diet-related cancers. This bill would establish the Farm Fresh Schools Program, which would be intended to reduce obesity, improve nutrition and public health, and strengthen local and regional agricultural economies by increasing access to and promoting the consumption of locally and regionally grown fruits and vegetables in schools and increasing access to physical activities and programs that promote pupil wellness. The Department of Food and Agriculture and the State Department of Health Services would jointly administer the program, in consultation with the State Department of Education, as appropriate, and would be required to establish a process to review grant proposals and award grants on a competitive basis to eligible applicants to carry out the purposes of the program, as specified. The state share of funding for any project funded pursuant to the program would be limited to 50% of the total amount of the program costs, with grantees required to provide matching funding and in-kind contributions, as specified. The bill also would establish the Farm Fresh Schools Account within the State Treasury and would permit moneys in the account, upon appropriation by the Legislature, to be expended by the departments, acting jointly as administrators of the program, for the purposes of this program.

Status: Died in Assembly Appropriations Com.

AB 2226
Garcia

Diabetes screening

Existing law requires the governing body of each county or counties to establish a community child health and disability prevention program for the purpose of providing early and periodic assessments of the health status of children in the county or counties. Existing law requires the health screening and evaluation part of each program to include for each child screening tests for vision, hearing, anemia, tuberculosis, diabetes, and urinary tract conditions. Existing law requires the governing board of each school district to exclude from school, for not more than 5 days, any first grade pupil who has not provided either a certificate documenting that the child has received the appropriate health screening and evaluation services or a waiver signed by the child's parents or guardian indicating that they do not want or are unable to obtain these services. Existing law establishes, until January 1, 2008, a 3-year pilot program and requires any school district that volunteers to participate in the program to screen pupils for the risk of developing type 2 diabetes mellitus in conjunction with a screening program for scoliosis. Existing law specifies individuals who may perform and supervise the screenings, and prescribes procedures for the screening process, including, but not limited to, compliance with standards and procedures developed by the State Department of Education. The program provides for parent or guardian notification of any pupil suspected of being at elevated risk of developing type 2 diabetes mellitus, as described. This bill would prohibit, on and after July 1, 2010, require each school district to provide a type 2 diabetes information sheet developed by the State Department of Education to the parent or legal guardian of incoming 7th grade pupils. By increasing the duties of local officials, this bill would impose a state-mandated local program.

Status: CHAPTERED

AB 2276

Ozone: indoor air cleaning devices

Pavley Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources, including emissions of volatile organic compounds from consumer products. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law requires each district to attain ambient air standards for specified air pollutants, including, but not limited to, ozone. Existing law classifies emissions of ozone in nonattainment areas as moderate, serious, severe, or extreme. Existing law generally sets forth crimes and penalties for violations of air pollution laws and any rule, regulation, permit or order of the state board. This bill would require the state board, on or before December 31, 2008, to develop and adopt regulations, consistent with federal law and including specified elements to protect public health from ozone emitted by indoor air cleaning devices, including both medical and nonmedical devices used in occupied spaces. Because a violation of these regulations would come within the existing provision making a violation of state board regulations a crime, this bill would create a state-mandated local program expanding an existing crime. The bill would make related legislative findings and declarations. The bill would authorize the state board to seek a preemption waiver from the federal government to authorize the state board to adopt regulations that are more stringent than federal law.

Status: CHAPTERED

AB 2283 *Physician and surgeons: cultural background and foreign language proficiency*
Oropeza The Medical Practice Act provides for the licensure by the Medical Board of California of physicians and surgeons as well as other healing arts practitioners. The act requires each licensed physician to complete a questionnaire sent to him or her at the time of license renewal that seeks specified information. Existing law authorizes a physician to report to the board, and requires the board to collect, information regarding his or her cultural background and foreign language proficiency. Existing law permits this information to be placed on the board's Internet Web site. This bill would require the information regarding cultural background and foreign language proficiency to be aggregated on an annual basis based on categories utilized by the board in the collection of the data, and to be aggregated by both statewide totals and ZIP Code of primary practice location. The bill would also require this information to be compiled and reported on the board's Internet Web site on or before October 1 of each year.

Status: CHAPTERED

AB 2384 *Nutrition: Healthy Food Purchase Pilot Program*
Leno Existing law requires the State Department of Health Services to establish and implement, to the extent funds are available that are other than state general funds, a "5 A Day--For Better Health" program for the purpose of promoting public awareness of the need to increase the consumption of fruits and vegetables as part of a low-fat, high-fiber diet in order to improve health and prevent major chronic diseases, including diet-related cancers. This bill would require the department to develop a "Healthy Food Purchase" pilot program to increase the sale and purchase of fresh fruits and vegetables in low-income communities, as specified. The bill would condition implementation of the program in any fiscal year upon appropriation by the Legislature of federal or other funds for that purpose, and would repeal these provisions on January 1, 2011.

Status: CHAPTERED

AB 2527 *Alcoholic beverages: underage drinking: penalties*
Baca The Alcoholic Beverage Control Act provides that any person under 21 years of age who attempts to purchase any alcoholic beverage from a licensee, or the licensee's agent or employee, is guilty of an infraction. The act further provides, with respect to this infraction, that a first violation is punishable by a fine of not more than \$100, or the performance of 24 to 32 hours of community service, or a combination of a fine and community service. Existing law provides that a 2nd or subsequent violation is punishable by a fine of not more than \$250, or the performance of 36 to 48 hours of community service, or a combination of a fine and community service. This bill would further provide that any person under 21 years of age who attempts to possess or consume any alcoholic beverage from a licensee, or the licensee's agent or employee is guilty of an infraction. This bill

would increase the fine for a first violation to \$250 and would increase the fine for a 2nd violation to \$500. This bill, in addition to the penalties imposed under these provisions, would require the suspension of the driving privilege, of a person who violates any of these provisions, as specified.
Status: Died in Assembly Transportation Com.

AB 2560 *Public School Health Center Program*
Ridley- Existing law requires the State Department of Health Services to implement and administer various
Thomas child health and disease prevention programs. This bill would require the State Department of Health
Services, in cooperation with the State Department of Education, to establish a Public School Health
Center Support Program to perform specified functions relating to the establishment, retention, or
expansion of school health centers in California, in collaboration with the State Department of
Education. This bill would require the State Department of Health Services to establish standardized
data collection procedures and collect specified data from school health centers on an ongoing basis.
This bill would require the State Department of Education, in collaboration with the State
Department of Health Services, to coordinate programs within the State Department of Education
and programs within other specified departments to support public school health centers and to
provide technical assistance to facilitate and encourage the establishment, retention, and expansion of
public school health centers. The bill would require the program to provide a biennial update to the
appropriate policy and fiscal committees of the Legislature containing specified information
regarding public school health care centers, beginning on or before January 1, 2009.
Status: CHAPTERED

AB 2672 *Alcoholic beverages: licenses: local government review*
Oropeza Existing law requires the Department of Alcoholic Beverage Control to notify the appropriate sheriff,
chief of police, district attorney, city or county planning agency, and legislative body of an
application for the issuance or transfer of a liquor license, and prohibits the Department of Alcoholic
Beverage Control from issuing or transferring a license until at least 30 days after these notices are
provided. Existing law authorizes the department to extend that 30-day period for a period not to
exceed an additional 20 days if a proper written request is made by any local law enforcement
agency. This bill would authorize the department to extend the 30-day period for a period not to
exceed an additional 30 days if a proper written request is made by any entity or official receiving the
required notification.
Status: Died in Senate.

AB 2758 *Alcoholic beverages: licenses*
Niello The Alcoholic Beverage Control Act requires a licensee, upon receipt of any license, to post the
license in a conspicuous place on the licensed premises. Existing law provides that licenses issued for
trains, boats, or airplanes be posted in a designated area, as specified. This bill would make
technical, nonsubstantive changes to this provision.
Status: Died at Desk.

AB 2812 *Physical education: monetary awards*
Umberg Under existing law, the State Department of Education is required to exercise general supervision
over the courses of physical education in elementary and secondary schools of the state, and to
perform other duties related to physical education in the schools. This bill would require the State
Board of Education to establish an award program for elementary schools that use the state's model
content standards, as specified, and demonstrate that an unspecified percentage of pupils in grade 5
pass the state physical performance test, as specified. The bill would require the Superintendent of
Public Instruction to establish, and the state board to approve, the manner and form in which
monetary or nonmonetary awards are given to eligible elementary schools. The bill would require
monetary awards, if any, to be given on a per pupil or per school basis, and would limit the per pupil
amount to \$150, subject to funds appropriated in the annual Budget Act. The bill would also make
an elementary school that continues to show improvement in successive years eligible to receive
annual bonuses. The bill would also require that a school participating in the High Priority Schools
Grant Program that is otherwise eligible for a monetary or nonmonetary award would instead be
granted flexibility in the use of that grant, not to exceed 10% of the grant, to facilitate physical

education courses at the school site. The bill would make related findings and declarations.

Status: Died in Assembly Appropriations Com.

AB 2824
Ruskin

Air pollution: air toxics emissions inventory

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law requires the state board to develop a program to compile and make available to other state and local agencies and the public specified air toxics emissions data. This bill would require the state board, commencing no later than January 1, 2008, to make the Internet Web site created by the state board to fulfill this requirement more user-friendly and accessible to the general public, as specified. The bill would require the air districts to submit to the state board by January 1, 2008, and annually thereafter, updated air toxics emissions inventory data, as specified, thereby creating a state-mandated local program.

Status: Died in Senate Environmental Quality Com.

AB 2825
Ruskin

School sites: hazardous emissions and substances: environmental impact

(1) Existing law, the Leroy F. Greene State School Building Lease-Purchase Law of 1976, provides bond funds for the construction, reconstruction, modernization, and replacement of school facilities and the performance of deferred maintenance activities on school facilities. Existing law prohibits the approval by the governing board of a school district of the acquisition of a school site by a school district unless prescribed conditions relating to hazardous air emissions or hazardous or acutely hazardous materials, substances, or waste are satisfied, including the identification of specified facilities within that district's authority and the making of specified written findings regarding the health risks from the facilities, corrective measures, potential mitigation measures, or a severe shortage of sites. This bill would revise those provisions to additionally require the identification of both existing and proposed facilities, as defined, that emit hazardous air emissions or handle extremely hazardous substances, hazardous substances, or hazardous waste within that school district's authority, thereby imposing a state-mandated local program by imposing new duties upon school districts. The bill would require an administering agency, city, county, air pollution control district, or air quality management district that receives a specified notification from a lead agency to provide requested information regarding existing and proposed facilities. (2) The existing California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. Existing law requires the governing board of each school district, before acquiring title to property or for an addition to a present schoolsite, to give the planning commission with jurisdiction notice, in writing regarding the proposed acquisition. Existing law requires the planning commission to investigate the proposed site and submit a written report to the school district of its investigation and recommendations regarding the acquisition of the site. A governing board is prohibited from acquiring title until 30 days after the report is received, if the report does not favor the acquisition of the property. This bill would require the planning commission report to contain specified information regarding whether the site is a hazardous waste site, or contains pipelines that carry specified substances. The bill would impose a state-mandated local program by imposing new duties upon the governing board of a school district and a planning commission with regard to the acquisition of schoolsites. The bill would also make conforming changes to CEQA with regard to the approval of an environmental impact report or negative declaration for any project involving the purchase of a schoolsite or the construction of a new elementary or secondary school by a school district with regard to existing and proposed facilities, as defined. (3) Existing law prohibits an environmental impact report from being certified or a negative declaration adopted for a project involving the construction or alteration of a facility within 1/4 of a mile of a school that might reasonably be anticipated to emit hazardous air emission or that would handle an extremely hazardous substance or a mixture containing an extremely hazardous substance unless specified event occurs. This bill would define "hazardous air emission"

and "extremely hazardous substance" for purposes of that provision.

Status: VETOED

AB 2826
Ruskin

School facilities: site contamination

Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act), requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law provides that, as a condition to receiving state funds pursuant to the Greene Act, the governing board of a school district may not approve a project for the construction of a new school building or schoolsite on leased or acquired land unless the project and school district comply with specified requirements, including, among others, contracting with an environmental assessor to supervise the preparation of a certain environmental assessment of the proposed schoolsite and to enter into an agreement with the Department of Toxic Substances Control to oversee response action if a preliminary endangerment assessment discloses the presence of a hazardous material release, or threatened release, or the presence of naturally occurring hazardous materials, at a proposed schoolsite at concentrations that could pose a significant risk to children or adults, and the school district owns the proposed schoolsite. Existing law excludes from those provisions a project for a minor addition to a school if the project is eligible for a categorical or statutory exemption, as provided. This bill would delete that exclusion relating to minor additions and would instead provide that, in the case of a project on an existing schoolsite, the project is not subject to the above provisions relating to the condition for receiving state funds pursuant to the Greene Act if the Department of Toxic Substances Control has reviewed a Phase I environmental assessment that was conducted on the site in the 10 years prior to the new project approval, unless new evidence of contamination has emerged since that prior assessment was conducted. This bill would also exclude from the above provisions relating to the condition for receiving state funds pursuant to the Greene Act, a project for the purpose of school modernization or improvements that does not require soil disturbance and uses only a temporary building, so long as the use of the temporary building is for a period of not more than 6 months.

Status: Died in Assembly Education Com.

AB 2834
Sharon
Runner

School facilities: contamination: Phase I environmental assessment

Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act), requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for schoolsite development and acquisition. Existing law provides that, as a condition to receiving state funds pursuant to the Greene Act, the governing board of a school district may not approve a project for acquisition of a schoolsite unless the governing board of a school district enters into a contract with an environmental assessor to prepare a Phase I environmental assessment of the proposed schoolsite. Existing law defines the term "Phase I environmental assessment" for this purpose as a preliminary assessment of a property to determine whether there has been or may have been a release of a hazardous material, or whether a naturally occurring hazardous material is present, based on reasonably available information about the property and the area in its vicinity. Existing law requires a school district to take specified actions, with regard to the preparation of a preliminary endangerment assessment, if the Phase I environmental assessment or the Department of Toxic Substance Control determines that a preliminary endangerment assessment is needed with regard to that schoolsite. This bill would authorize the department to adopt final regulations that establish guidelines for a Phase I environmental assessment, for purposes of a schoolsite, that impose requirements different from those imposed by the American Society for Testing and Materials. The bill would allow the department's regulations to include the use of a Phase I addendum, as the bill would define that term for certain purposes related to schoolsites, in lieu of requiring a preliminary endangerment assessment, under specified conditions.

Status: Died in Senate Environmental Quality Com.

AB 2888
Arambula

Alcoholic beverages: issuance and transfer of licenses

The Alcoholic Beverage Control Act specifies the rules and procedures for the issuance and transfer of alcoholic beverage licenses by the Department of Alcoholic Beverage Control. The act requires

the department to make a thorough investigation to determine whether the applicant for a license and the premises for which a license is applied qualify for a license, and requires the department to deny an application for a license if, among other things, issuance of the license would result in or add to an undue concentration, as defined, of licenses, except as provided. The act authorizes the department to issue a license if a local governing body of the area in which the applicant premises are located, or its designated officer or body, makes a determination that public convenience or necessity would be served by the issuance, or, if no determination is made, the applicant shows the department that such convenience or necessity would be served. This bill would prohibit the department from issuing the license if the local agency, or its designated officer or body, does not make a written determination of convenience or necessity, and would, in case a written determination is made, require the department to give weight to the written determination as provided.

Status: Died in Assembly Governmental Organizations Com.

AB 3018
Lieber

Air pollution: indoor air pollution

Under existing law, the State Air Resources Board is the state agency charged with coordinating efforts to attain and maintain ambient air quality standards. Existing law requires the state board to identify toxic air contaminants that are emitted into the ambient air of the state. Existing law also requires the state board to adopt airborne toxic control measures to reduce the emissions of toxic air contaminants from nonvehicular sources. This bill, in addition, would require the state board, in consultation with the State Department of Health Services, and other appropriate local, state, or federal agencies, to develop and establish a program for the prevention and control of indoor air pollution that includes, but is not limited to, education and community outreach, indoor air quality guidelines, and emission standards or other measures that limit the emissions of air contaminants from indoor sources of air pollution that may cause or contribute to adverse health effects, as specified. The bill would require the state board to develop and adopt emission standards, or other indoor air pollution prevention and control measures determined to be necessary, cost effective, and technologically feasible for those contaminants given the highest priority by the state board as posing the greatest threat to human health. The bill would require that the state board adopt emission standards, guidelines, or other indoor air pollution prevention and control measures, or conduct public education and community outreach for at least 2 high priority source categories by December 31, 2011. The state board would be prohibited from adopting any such emission standard that prevents the use of natural gas or any other fuel. The bill would require the state board, prior to adopting an emission standard or other regulatory indoor air pollution prevention and control measure, to report on the need for, and appropriate degree of regulation for, the source category covered by the emission standard or measure in consultation with appropriate state agencies, affected emission sources, and interested members of the public. If the state board concludes in the report that active local exhaust ventilation or other measures for gas and propane combustion appliances would best minimize potential adverse health effects associated with indoor combustion emissions, the state board would be authorized to recommend to the California Building Standards Commission to adopt building standards for that purpose.

Status: Died in Assembly.

AB 3071
Chan

Dental disease prevention program

Existing law authorizes local sponsors, as defined, to offer community dental disease prevention programs approved by the State Department of Health Services to school children in preschool through 6th grade, and in classes for individuals with exceptional needs. Existing law requires the program to include educational programs focused on the development of personal practices by pupils, as specified, and preventative services. Existing law requires any acts performed or services provided pursuant to the program that constitute the practice of dentistry to be performed or provided by a licensed dentist. This bill would require the educational programs to be evidence-based, age-appropriate, and focused on development of personal practices by preschool children, students, and parents, and require services to be evidence-based age-appropriate to include dietary fluoride supplements. The bill would also require acts performed or services provided that constitute the practice of dentistry to be performed by a licensed dentist or a licensed or registered dental health professional.

Status: VETOED

- ACR 77
Chan *Local recreation and park agencies*
This measure would recognize the importance of local recreation and park agencies in the effort to reverse negative trends in inactivity, obesity, diabetes, and other health problems among Californians and would encourage the state to utilize and partner with local recreation and park providers to create a healthier state.
Status: CHAPTERED
- ACR 114
Coto *Legislative Task Force on Diabetes and Obesity*
This measure would establish a Legislative Task Force on Diabetes and Obesity, consisting of specified members, to study the factors contributing to the high rates of diabetes and obesity in Latinos, African-Americans, Asian Pacific Islanders, and Native Americans in this country, and would declare that the task force shall prepare a report containing recommendations regarding ways to reduce the incidence of those debilitating conditions in these ethnic groups.
Status: CHAPTERED
- SB 148
Scott *Alcoholic beverages: licensing restrictions*
The Alcoholic Beverage Control Act authorizes the Department of Alcoholic Beverage Control to impose reasonable conditions on the exercise of retail privileges under the act. The department may impose conditions on certain license transfers at the request of a local governing body in whose jurisdiction a license is located. Existing law requires the local governing body to make the request for imposition of conditions, which shall be supported by substantial evidence, as provided, if the license to be transferred is located in an area of undue concentration, as defined. This bill would authorize the department to also impose conditions that it determines are reasonable pursuant to its investigation. Existing law specifies the grounds that constitute a basis for the suspension or revocation of an alcoholic beverage license, including a licensee's failure, within a reasonable time, after specified notice from a district attorney, city attorney, county counsel, or the department to take reasonable steps to correct objectionable conditions on the licensed premises, as provided. This bill would provide additional bases for the suspension or revocation of an alcoholic beverage license, when a licensee fails to take reasonable steps to correct objectionable conditions on the licensed premises or on any public sidewalk abutting a licensed premises, as provided, after specified notice from the district attorney, city attorney, or a county counsel. This bill would also impose a continuing obligation on the licensee, after correcting the objectionable conditions that constitute a nuisance, as provided.
Status: CHAPTERED
- SB 254
Torlakson *State property: vending machines*
Existing law regulates various aspects of the provision of food and beverages in vending machines, including access to carbonated beverages at schools, the giving of priority to blind persons with respect to the operation of vending facilities on state property, the sanitation of vending machines and requiring public health permits, and the placement of vending machines in safety roadside rests on the state highway system. This bill would require each vendor that operates or maintains vending machines on designated state property to satisfy a specified phased-in requirement that at least 25% of the food and beverages offered in the vending machine meets accepted nutritional guidelines, as defined, by December 31, 2007, and 50% by December 31, 2008, or under specified conditions, by December 31, 2010, and to provide to users, upon request, information about the nutritional value of food and beverages offered in the vending machine and procedures for requesting a change in vending machine offerings.
Status: Died in Asm. Com. on B. & P.
- SB 284
Maldonado *Specialty crop funding*
Existing federal law, Public Law 107-25, authorized block grants to state departments of agriculture for specified purposes. This bill would appropriate the sum of \$2,200,000 from this block grant to the Department of Agriculture for allocation to California food banks to support the marketing of specialty crops.
Status: Died in Assembly Agriculture Com.

SB 362
Torlakson

Physical education

(1) Existing law requires the State Department of Education to exercise general supervision over the physical education courses in elementary and secondary schools of the state. Existing law requires the department to ensure that the data collected through Categorical Program Monitoring (CPM) indicates the actual number of minutes of instruction in physical education actually provided by each school district for the purpose of determining whether each school district is in compliance with the required minimum minutes of instruction described in (1) above. Existing law repeals those provisions on January 1, 2007. Existing law requires public schools to provide instruction in physical education for a total period of time of not less than 200 minutes each 10 schooldays to pupils in grades 1 to 6, inclusive. Existing law requires public schools to provide instruction in physical education for a total period of time of not less than 400 minutes each 10 schooldays to pupils in grades 7 to 12, inclusive. This bill would require the department to ensure that the data collected through CPM indicates the extent to which each school within the jurisdiction of a school district or county office of education performs specified duties regarding the provision of instruction in physical education, including, among others, providing the required minimum minutes of instruction and conducting physical fitness testing, as specified. The bill would require the department to annually submit a report to the Governor and the Legislature that summarizes the data collected through CPM regarding those items and to annually post a summary of that data on the Internet Web site of the department. The bill would delete the existing repeal date and extend the supervisory authority of the department over physical education courses indefinitely. (2) Existing law establishes various incentive grant programs to provide funds to applicant local educational agencies to encourages those agencies to engage in various educational programs and activities. This bill would establish the Physical Education Incentive Grants Program, to be administered by the Superintendent of Public Instruction. The bill would require the Superintendent to apportion funding to eligible local educational agencies, as specified, for purposes of hiring teachers with clear single subject credentials in physical education. The bill would require the Superintendent to require the recipient local educational agency to provide a percentage match of its own funds for purposes of the program based on the amount of funds apportioned and the financial means of the local educational agency. The bill would require a representative of the applicant local educational agency to certify that an annual fiscal audit will be conducted and that adequate, accurate records will be kept and to provide the Superintendent with the assurance that grant funds received pursuant to the program will be expended only for the purposes for which they are granted. The bill would require the Superintendent to require grant recipients to submit annual budget reports, and would authorize the Superintendent to withhold funds in subsequent years if grant funds are expended for purposes other than as awarded. The bill would provide that implementation of this program is contingent upon the appropriation of funds for its purposes in the annual Budget Act or other legislation. (3) Existing law establishes various professional development and training programs for certificated employees of local educational agencies. This bill would establish the Physical Education Professional Development Program, to be administered by the Superintendent of Public Instruction. The bill would require the Superintendent to award incentive funding to applicant local educational agencies to provide teachers who provide instruction in physical education and school administrators with professional development regarding the provision of instruction in physical education, as specified. The bill would require each applicant local educational agency, in order to receive the incentive funding, to submit to the Superintendent a program proposal, as specified, and would require the Superintendent to review and either approve or disapprove those proposals. The bill would require the State Department of Education, by June 30, 2007, to begin developing rigorous criteria for the approval of those proposals. The bill would require the Superintendent to require each local educational agency that is selected to receive funds to have an annual program audit conducted regarding the use of the funds for purposes of the program. The bill would authorize the Superintendent to withhold funds from a local educational agency based on the results of the audit and would require the department to establish a procedure and criteria for an agency or charter school to appeal an adverse audit finding to the department, as specified. The bill would require the department to develop and submit to the Legislature an interim report by July 1, 2008, and a final report by February 1, 2012, that details various items regarding the operation and effectiveness of the program, as specified. The bill would provide that implementation of the program is contingent upon the appropriation of funds for its purposes in the annual Budget Act or other statute. (4) Existing law requires public schools to

provide instruction in physical education to pupils in grades 7 to 12, inclusive, as specified. This bill would define a physical education class as one in which each pupil is required to actively participate. (5) Existing law permits a pupil in grade 10, 11, or 12 to be excused from physical education classes, as provided, in order to participate in automobile driver training. This bill would delete those provisions.

Status: Died in Assembly Appropriations Com.

SB 479
Lowenthal

Childhood obesity mitigation

Under existing law the Office of Multicultural Health, within the State Department of Health Services, serves as a resource for ensuring that programs keep data regarding multicultural health issues, including childhood obesity. This bill would require the State Department of Health Services to establish the Childhood Obesity Mitigation Pilot Project, and would authorize local agencies and clinics and a children's hospital to participate in the pilot project. The bill would provide for the administration of the pilot project by a committee that consists of representatives of participating entities and the medical director of the California Obesity Initiative. This bill would establish the Childhood Obesity Mitigation Fund in the State Treasury.

Status: Died in Assembly Appropriations Com.

SB 1180
Migden

Health and Human Services: alcohol use prevention: minors

Existing law establishes the California Health and Human Services Agency, which includes the State Department of Alcohol and Drug Programs. The department provides, among other things, alcohol prevention and treatment programs, including programs related to the inappropriate use of alcoholic beverages. This bill would require the Secretary of the California Health and Human Services Agency, on or before January 1, 2008, in consultation with the State Department of Alcohol and Drug Programs and various other entities, to issue a report to the Legislature identifying and summarizing the most recent research, data, and other relevant information regarding alcoholic beverage use by underage youth, as described. This bill would require the report to include recommendations for additional action to prevent alcoholic beverage use by underage youth, including legislative changes and suggestions for new or modified programs that would aid in the reduction of alcoholic beverage use by youth in California, as provided. This bill would restrict the total costs of the report to not more than \$140,000.

Status: Died in Assembly Appropriations Com.

SB 1205
Escutia

Air pollution: Children's Breathing Rights Act: penalties

Existing law vests local and regional authorities, defined as the governing body of any city, county, or air pollution control district or air quality management district with the primary responsibility for control of air pollution from all sources other than vehicular sources. Existing law establishes maximum criminal and civil penalties for any person, as defined, for violations of air pollution laws from nonvehicular sources. This bill would enact the Children's Breathing Rights Act, which would increase the maximum penalties for specified violations of air pollution laws, as provided. The bill would punish specified violations of air pollution laws that result in substantial risk of actual injury, as specified. The bill would punish making certain false statements, representations, or certifications, as specified. The bill would require the state board to post on its Internet Web site information on air quality violations, as specified. The bill would require the districts to report to the state board this information and jointly develop with the state board a format for presenting this information, as specified.

Status: Died in Assembly.

SB 1208
Ortiz

Tobacco products

(1) Existing law, the Cigarette and Tobacco Products Tax Law, requires every distributor of cigarettes to pay taxes, as prescribed, on the distribution of cigarettes. In addition to the requirement to pay taxes on the distribution of cigarettes, existing law also requires distributors and wholesalers of cigarette and tobacco products to be licensed by the State Board of Equalization. Existing federal law, known as the Jenkins Act, requires any person that sells or transfers, in interstate commerce, cigarettes into a state that taxes the sale or use of cigarettes to file and report specified information with the tobacco tax administrator of that state. Existing law prohibits, except under specified

circumstances, a retail sale of cigarettes that is not a face-to-face sale, as defined, and prohibits distribution of tobacco products through the mail. Existing law exempts a person from the face-to-face sale restriction, if that person has paid all applicable state taxes and is in compliance with the federal Jenkins Act. This bill would enact substantially similar provisions relating to tobacco products, including, but not limited to, cigars and pipe tobacco. The bill would, for cigarettes, as defined, repeal the face-to-face sale requirement, and the related tax reporting provisions, would repeal the prohibitions against distribution through the mail, and would, instead, with certain exceptions, prohibit shipping or transporting of cigarettes to persons in California, and would establish criminal and civil penalties for violation of this prohibition. (2) Existing law prohibits the offer, sale, distribution, or importation of a tobacco product know as "bidis" or "beedies," as defined, unless it is sold or intended for sale in business establishments that exclude minors. This bill would amend the definition of "bidis" or "beedies" to include any product that is marketed and sold as "bidis" or "beedies" and would clarify that persons who violate this prohibition are subject to both criminal and civil liability.

Status: VETOED

SB 1288
Cedillo

Medi-Cal: minors: drug and alcohol treatment

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law provides for the Medi-Cal Drug Treatment Program, under which each county enters into contracts with the State Department of Alcohol and Drug Programs for the provision of various drug treatment services to Medi-Cal recipients, or the department directly arranges for the provision of these services if a county elects not to do so. This bill would make specified findings and declarations regarding the need for and availability of drug and alcohol treatment services to minors. It would require that residential drug and alcohol treatment services and other specified services described in the Youth Treatment Guidelines issued by the State Department of Alcohol and Drug Programs for persons 12 to 20 years of age be a covered benefit under the Medi-Cal Drug Treatment Program. The bill would require the State Department of Health Services to use its best efforts to obtain approval by the federal Centers for Medicare and Medicaid Services of a Medicaid state plan amendment providing for federal financial participation with respect to those services, but would require the services to be covered under the Medi-Cal program only if federal financial participation is available. The bill would provide that county welfare departments shall not be responsible for the costs of board and care related to the provision of the above residential drug and alcohol treatment services.

Status: VETOED

SB 1314
Morrow

Dentistry

Existing law, the Dental Practice Act, licenses and regulates the practice of dentistry by the Dental Board of California in the Department of Consumer Affairs. This bill would make a nonsubstantive change to those provisions.

Status: Died in Rules Com.

SB 1370
Chesbro

Alcoholic beverages: issuance and transfer of licenses

The Alcoholic Beverage Control Act specifies the rules and procedures for the issuance and transfer of alcoholic beverage licenses by the Department of Alcoholic Beverage Control. The act requires the department to make a thorough investigation to determine whether the applicant for a license and the premises for which a license is applied qualify for a license, and requires the department to deny an application for a license if, among other things, issuance of the license would result in or add to an undue concentration, as defined, of licenses, except as provided. The act defines undue concentration to include the condition where the applicant premises are located in a crime reporting district that has a 20% greater number of reported crimes, as defined, than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency. This bill require the department to establish a one year pilot project that requires the City of Santa Rosa to submit the crimes per acre as well as the crime statistics already required to be reported. The bill would require the department to issue a report to the Legislature on or before June 30, 2008, that includes a comparative analysis of the reporting methods. The bill would repeal these

requirements on January 1, 2009. This bill would make a legislative finding and declaration of the necessity to enact special legislation with respect to the City of Santa Rosa.

Status: Died in Senate Appropriations Com.

SB 1379

Biomonitoring

Perata

Existing law establishes various programs for the protection of the public from exposure to toxins, including, but not limited to, the Childhood Lead Poisoning Prevention Act, administered by the State Department of Health Services, which imposes a fee upon manufacturers or persons who are responsible for lead contamination and applies the proceeds of the fee to reduction or elimination of the harm caused by the lead contamination. This bill would require the department in collaboration with the California Environmental Protection Agency to establish the California Environmental Contaminant Biomonitoring Program to monitor the presence and concentration of designated chemicals, as defined, in Californians. This bill would require the department and the agency to establish a Scientific Guidance Panel to assist the department and the agency. The bill would require the department to provide public access to information, and to report to the Legislature and the public.

Status: CHAPTERED

SB 1403

Medi-Cal: restoration documentation requirements

Scott

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons and other eligible persons are provided health care services. Under existing law, specified dental services are included as covered benefits under the Medi-Cal program, subject to utilization controls. Existing law requires the department to require, under specified circumstances, pretreatment radiograph documentation on posttreatment claims for dental restorations. This bill would specify that, for any beneficiary who is under 4 years of age, or who, regardless of age, has a developmental disability, as defined, radiographs or photographs that indicate decay on any tooth surface shall be considered sufficient documentation to establish the medical necessity for treatment provided. Existing law authorizes the department to implement the requirements for that documentation by means of a provider bulletin or similar instruction, without taking regulatory action. This bill would, instead, require the department to implement those requirements by that means.

Status: CHAPTERED

SB 1429

Punitive damages: product liability

Morrow

Existing law authorizes the plaintiff, in an action for the breach of an obligation not arising from contract, where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud, or malice, to recover damages for the sake of example and by way of punishing the defendant in addition to the actual damages. This bill would provide, in a case involving injury or harm allegedly caused by a product, that the manufacturer, distributor, or seller of the product shall not be guilty of oppression, fraud, or malice if, at the time of manufacture, distribution, or sale, the product, or the aspect, component, warning, or absence of warning contained in or accompanying the product that allegedly caused the injury or harm, was either approved by, or in material compliance with, a statute or the standards, rules, regulations, requirements, or specifications of, a federal or state agency responsible for regulating, evaluating, or approving the product, except as specified.

Status: Died in Senate Judiciary Com.

SB 1439

Medi-Cal: adult day health care: meals

Cedillo

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits, including, for certain beneficiaries, adult day health care benefits. Existing law establishes the adult day health care program, in which adult day health care centers may participate upon certification by the department. The program is administered pursuant to an interagency agreement between the department and the California Department of Aging, and program services are a covered Medi-Cal benefit. Existing law requires participating centers to offer specified services, including nutrition services, and requires that these nutrition services include a minimum of one meal per day, of a

specified quality and quantity. This bill would require that those nutrition services include a minimum of 2 meals per day, of the specified quality and quantity.

Status: Died in Senate Com. on Health.

SB 1500
Speier

Drug programs

Existing law requires the Department of Alcohol and Drug Programs to administer certain programs and studies related to alcohol and drug abuse recovery and to license, certify, and regulate alcoholism or drug abuse recovery or treatment facilities. This bill would require the department to develop and implement a statewide campaign designed to deter initial and continued use of methamphetamine in California, and would authorize the department to accept voluntary contributions, in cash or in-kind, for purposes of this bill. The bill would require that the department develop and implement the campaign established under the bill only if the Director of Finance determines that sufficient private donations, as defined to be at least \$12,000,000, have been collected and deposited into the California Methamphetamine Abuse Prevention Account, which the bill would create in the State Treasury, and would appropriate money from the account to the department for the 2006-07 fiscal year for the purposes of this bill. This bill would authorize the department to develop and implement a limited campaign to deter the abuse of methamphetamine for the 2006-07 fiscal year if the Director of Finance determines that at least \$500,000 of private donations have been collected and deposited into the account.

Status: CHAPTERED

SCR 73
Torlakson

California Taskforce on Youth and Workforce Wellness

This measure would continue the existence and set forth the membership of the California Task Force on Youth and Workplace Wellness, to perform duties to promote fitness and health in schools and workplaces. It would provide that the task force is to consist of Members of the Legislature and experts appointed by the Speaker of the Assembly and the Senate Committee on Rules. It would provide that members of the task force are to conduct task force business on a volunteer basis, permit the task force to accept private funds and in-kind donations, require the task force to submit a report on its work to the Legislature on or before June 30, 2008, and provide that the task force would cease to exist on July 1, 2010, unless its existence is extended by a later enacted resolution.

Status: CHAPTERED

SCR 81
Alquist

Asthma Awareness Month

This measure would designate the month of May 2006 as Asthma Awareness Month in order to increase awareness and understanding about asthma and educate those with the disease on the treatments available and the methods of preventing attacks.

Status: CHAPTERED

SCR 90
Torlakson

10 Steps to a Healthy California

This measure would express the Legislature's supports for "10 Steps to a Healthy California," including promoting the importance of physical activity and healthy eating.

Status: CHAPTERED

SCR 105
Torlakson

California Fitness Month

This measure would proclaim the month of May 2006, as California Fitness Month, and would encourage all Californians to enrich their lives through proper diet and exercise.

Status: CHAPTERED

Division of Communicable Disease Control & Prevention

AB 576
Wolk *Immunizations*
Existing law regulates the sharing of a patient's or client's immunization information between a health care provider, local health department, the department, and other agencies. Existing law prescribes the process by which a patient or client, or parent or guardian of a patient or client, may refuse to allow the information to be shared. This bill would, after the patient or client, or parent or guardian of a patient or client, refuses the sharing of immunization information allow the patient's or client's physician to maintain access to this information for the purpose of patient care or protecting the public health and allow the local health department and the department to maintain access to this information for the purpose of protecting the public health, as specified. The bill would also allow local health departments and the department to share the name of a patient or client, or parent or guardian of a patient or client, with a state, local health department, health care provider, immunization information system, or any representative of an entity designated by federal or state law to receive this information, and would authorize the department to enter into written agreements to share this information with other states for specified purposes, unless the patient or client, or parent or guardian of the patient or client, refuses to allow the information to be shared. Existing law requires the State Department of Health Services to submit a biennial report to the Legislature on the immunization levels of children in the state, steps taken to increase immunization levels and immunization education, and recommendations of a strategy and the funding that would be necessary to immunize all children in the state. This bill would require the department to submit by January 31, 2008, a sustainability plan for full funding of the statewide immunization information system, as specified.

Status: CHAPTERED

AB 699
Chan *Vaccines: influenza*
Existing law requires the State Department of Health Services to provide appropriate flu vaccine to local governmental or private, nonprofit agencies at no charge in order that the agencies may provide the vaccine, at a minimal cost, at accessible locations first for all persons 60 years of age or older in this state, and then to any other high-risk groups identified by the United States Public Health Service. The department and the California Department of Aging are required to prepare, publish, and disseminate information regarding the availability of the vaccine, and the effectiveness of the vaccine in protecting the health of older persons. This bill would require any manufacturer or distributor of the influenza vaccine, or nonprofit health care service plan that exclusively contracts with a single medical group in a specified geographic area, to provide, or arrange for the provision of, medical services to its enrollees to report specified information regarding the supply of the vaccine upon notice from the department. It would require that, within each county or city health jurisdiction, entities that have possession of, or have a legal right to obtain possession of, the influenza vaccine, or entities that are conducting or intend to conduct influenza clinics for the public, their residents, or their employees, with certain exceptions, shall cooperate with the local health officer in determining local inventories of influenza vaccine, including providing copies of invoices and distribution lists as specified.

Status: CHAPTERED

AB 1677
Koretz *Corrections: condom distribution*
Under existing law, the Director of Corrections is responsible for the administration of the state prisons. Existing regulation prohibits inmates from participating in illegal sexual acts. This bill would require the director to allow any nonprofit or health care agency to distribute sexual barrier protection devices, as specified. The bill would state that the distribution of those devices shall not be considered a crime nor shall it be deemed to encourage sexual acts between inmates. The bill would specify that possession of one of those devices shall not be used as evidence of illegal activity for purposes of administrative sanctions. The bill would require that these provisions be implemented in a manner that protects the health and safety of correctional officers.

Status: VETOED

AB 1956 *Communicable diseases: reporting*

Shirley Horton Existing law requires the State Department of Health Services to examine the causes of communicable disease occurring or likely to occur in the state, and to establish a list of reportable diseases. Existing law requires local health officers to immediately report to the department every discovered or known case or suspected case of those reportable diseases and, in the case of a local epidemic, to report, as requested by the department, all facts concerning the disease, and the measures taken to abate and prevent its spread. This bill would make certain findings and declarations with respect to the reporting of information regarding communicable diseases. The bill would establish a 2-year pilot program in consenting counties, selected by the department based on specified criteria, to test the cost-effectiveness of a clinician-driven, Web-based syndrome reporting and mapping system. It would require the department, on or before March 1, 2007, to convene an advisory committee to recommend syndromic surveillance systems for testing, and would require the advisory committee, by December 1, 2007, to recommend at least 3 competing systems. The bill would require the department, by February 1, 2008, to select at least 3 competing syndromic surveillance systems that meet various requirements, in order to provide specified services in the pilot counties. The bill would require each participating county to submit reports to the department on the program, and would require the department, in consultation with the advisory committee, to submit a report making recommendations regarding the selection and implementation of a system to specific legislative committees by January 1, 2011. The bill would require the pilot program to be funded solely with specified federal funds and would prohibit the program from being implemented if inconsistent with specified federal guidelines.

Status: VETOED

AB 2044 Cogdill *Student biological specimen testing*
Existing law allows a court in specified circumstances to order criminal defendants and minors charged with certain offenses to provide blood samples for testing for indications of acquired immunodeficiency syndrome (AIDS) and other conditions and diseases. Under existing law, specified persons are entitled to test results. This bill would establish similar procedures with respect to minor students when there exists probable cause that a transfer of blood, saliva, semen, or any other bodily fluid has taken place between the minor student and elementary or secondary school personnel.

Status: Died in Assembly Com. on Public Safety.

AB 2056 Aghazarian *Public health: exposure to communicable diseases*
Existing law requires prehospital emergency medical care personnel, as defined, who have provided emergency medical or rescue services and have been exposed to a person afflicted with a disease or condition listed as reportable, which can, as determined by the county health officer, be transmitted through oral contact or secretions of the body, including blood, to be notified that they have been exposed to the disease, in accordance with specified procedures. Existing law separately provides that the blood or other potentially infectious material of a person receiving health care services that has been the source of a significant exposure to an individual, including, but not limited to, a health care provider, or first responder, may be tested and the exposed individual may be informed of the communicable disease status of that patient if certain conditions are met. The bill would make technical clarifying amendments to the above provisions.

Status: CHAPTERED

AB 2076 Laird *Drug paraphernalia: clean needle and syringe exchange projects*
(1) Existing law, with certain exceptions, makes it a misdemeanor for a person to deliver, furnish, transfer, possess with intent to deliver, furnish, or transfer, or manufacture with the intent to deliver, furnish, or transfer, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Existing law provides an exception to this general rule by authorizing a public entity, its agents, or employees to distribute hypodermic needles or syringes to participants in clean needle and syringe exchange projects authorized by the public entity pursuant to a declaration of a local emergency due to the existence of a critical local public health crisis. This bill would authorize a public entity that receives General

Fund money from the State Department of Health Services for HIV prevention and education to use that money to support clean needle and syringe exchange projects authorized by the public entity. The bill would authorize the money to be used for the purchase of sterile hypodermic needles and syringes. The bill would require funds allocated for that purpose to be based upon epidemiological data as reported by the health jurisdiction in its local HIV prevention plan submitted to the Office of AIDS. (2) Existing law requires the health officer of the participating jurisdiction to annually present a report on the status of syringe exchange programs, including relevant statistics on blood-borne infections. This bill would require the report to also include the use of public funds for these purposes.

Status: Died in Assembly APPR. Suspense file.

AB 2203
Garcia

HIV and AIDS

Existing law requires a licensed physician and surgeon or other person engaged in the prenatal care of a pregnant woman or attending the woman at the time of delivery to obtain or cause to be obtained a blood specimen of the woman and to submit that blood specimen to a laboratory for an HIV test. Prior to obtaining a blood specimen, existing law requires the physician and surgeon or other person engaged in the prenatal care of a pregnant woman or attending the woman at the time of delivery to ensure that the woman is informed that she has a right to accept or refuse the testing. Existing law requires the acceptance of testing for HIV to be documented in writing and signed by the patient. This bill would require that any woman seeking an annual gynecological examination or family planning appointment be provided with an information sheet on HIV and AIDS, as prescribed. This bill would require that this information sheet shall be developed by the State Department of Health Services, in coordination with the federal Centers for Disease Control and Prevention, and any other source the department deems appropriate, and shall be made available on Web sites and through written request to the department.

Status: Failed passage in Assembly Com. on Health.

AB 2280
Leno

Sexually transmitted diseases

This bill would require that this information sheet shall be developed by the State Department of Health Services, in coordination with the federal Centers for Disease Control and Prevention, and any other source the department deems appropriate, and shall be made available on Web sites and through written request to the department.

Status: CHAPTERED

AB 2383
Dymally

Inmate HIV testing

Existing law sets forth certain circumstances under which testing an inmate for human immunodeficiency virus (HIV) may be required, including upon request by certain peace officers or other inmates in specified circumstances. This bill would, in addition, require every person committed to a state prison or a state hospital housing patients committed pursuant to specified Penal Code provisions for more than one year to be given a health screening prior to being released from the facility. The bill would require testing between 60 and 120 days prior to the expected discharge from the facility. The screening would include testing for medical and mental health problems, developmental disabilities, and infectious and communicable diseases, including, but not limited to, HIV, hepatitis, tuberculosis, and other airborne diseases, and would be performed by licensed health personnel or trained facility staff. This bill would allow the inmate to opt out of the HIV test, as specified. This bill would also require that if a person tests positive for an infectious or communicable disease, the chief medical officer shall notify the inmate's parole officer for mandatory referral to the county Partner Counseling and Referral Services Program, as specified. By imposing new duties on local agencies, the bill would impose a state-mandated local program. This bill would further require the Secretary of Corrections and Rehabilitation and Director of the State Department of Mental Health to report annually to the Director of the State Department of Health Services and the Legislature on the prevalence of infectious and communicable diseases in the prisons, as specified. The bill would provide that its requirements are contingent upon an appropriation by the Legislature in the Budget Act of 2007.

Status: Died in Assembly Appropriations Com.

- AB 2509 *Immunizations*
Daucher Under existing law, the State Department of Health Services is responsible for the licensure and regulation of health facilities, including general acute care hospitals, as defined. Under existing law, the department also has responsibilities relating to the prevention and control of communicable diseases by various means, including requiring immunization by vaccine for various populations. Existing law requires a skilled nursing facility, an intermediate care facility, or a nursing facility, as defined, to offer immunizations for influenza and pneumococcal disease to its residents, aged 65 years or older, between October 1 and April 1 of each year, and to offer pneumococcal vaccine to all new admittees. The facility is required to be reimbursed the standard Medi-Cal rate for vaccines provided to Medi-Cal recipients, except under specified circumstances. Existing law requires the facility to obtain informed consent for the immunization services from the resident or, if the person lacks the capacity to make medical decisions, for the person legally authorized to make medical decisions on the resident's behalf. This bill would require a general acute care hospital, pursuant to its own standardized procedures and if it has the vaccine in its possession, each year, commencing October 1 to the following April 1, inclusive, to offer, prior to discharge, immunizations for influenza and pneumococcal disease to its inpatients, aged 65 years or older.
Status: Died in Senate Appropriations Com.
- ACR 112 *Hepatitis B*
Chan This measure would declare that the hepatitis B virus (HBV) chronic infection rate among Asian and Pacific Islander Americans, as compared with the rest of the California population, reflects a health disparity, and urges the medical community and others to raise awareness regarding the high incidence of HBV infection in Asian and Pacific Islander Americans. The measure would also declare the Legislature's intent to encourage the medical community, including physicians and school health personnel, to emphasize the need for completion of the 3-dose HBV vaccination series to their patients, and parents of Asian and Pacific Islander children, including those entering public school between the 1st and 6th grade, or after the 7th grade, and encourage participation in HBV vaccination programs in California to target high-risk Asian and Pacific Islander children.
Status: CHAPTERED
- SB 699 *AIDS: HIV reporting*
Soto Existing law makes provisions for various programs relating to treatment of persons with human immunodeficiency virus (HIV) and the acquired immunodeficiency syndrome (AIDS). Existing law requires that public health records relating to AIDS, containing personally identifying information, that were developed or acquired by state or local public health agencies be confidential, and prohibits the disclosure of those records, except as otherwise provided for by law for public health purposes or pursuant to a written authorization by the person who is the subject of the record or by his or her guardian or conservator. This bill would, to ensure knowledge of current trends in the HIV epidemic and to assure that California remains competitive for federal HIV and AIDS funding, require health care providers and laboratories to report cases of HIV infection to the local health officer using patient names. It would require local health officers to report unduplicated HIV cases by name to the State Department of Health Services. The bill would require the department to promulgate specified emergency regulations, not later than one year from the effective date of those provisions, to conform existing administrative regulations to the provisions of the bill, and would make various other changes related to the disclosure of information on HIV cases to federal, state, and local health agencies, as provided. Existing law requires each county, designated by the Director of Health Services, to make the HIV test available within its jurisdiction without charge, in an accessible manner and on a confidential basis, through the use of a coded system without linking the individual identity with the test request or results. This bill would, instead, require that those tests be made available on an anonymous basis. Existing law subjects any person who willfully or maliciously discloses the content of any confidential public health record, as described, to any 3rd party, except pursuant to a written authorization, or as otherwise authorized by law, to a civil penalty in an amount not less than \$1,000 and not more than \$5,000, plus court costs, as determined by the court, which penalty and costs shall be paid to the person whose record was disclosed. This bill would define "confidential public health record" for purposes of those provisions, and would, instead, subject any person who negligently discloses the content of such a confidential public health record to a civil

penalty in an amount not less than \$2,500. The bill would further subject any person who willfully or maliciously discloses the content of such a record to a civil penalty in an amount not less than \$5,000 and not more than \$10,000, plus court costs, as determined by the court, which penalty and costs shall be paid to the person whose confidential public health record was disclosed. This bill would make any person who willfully, maliciously, or negligently discloses the content of any confidential public health record to any 3rd party, except pursuant to a written authorization, as described, or as otherwise authorized by law, resulting in economic, bodily, or psychological harm to the person whose confidential public health record was disclosed, guilty of a misdemeanor. Existing law permits state and local public health agencies to disclose personally identifying information in public health records, under certain circumstances, to other local, state, or federal public health agencies or to corroborating medical researchers, when the confidential information is necessary to carry out the duties of the agency or researcher in the investigation, control, or surveillance of disease, as determined by the local public health agency. This bill would also permit the disclosure of that personally identifying information in public health records by the agent of such a local public health agency.

Status: CHAPTERED

SB 1220
Migden

Vaccines: influenza

Existing law requires the State Department of Health Services to provide appropriate flu vaccine to local governmental or private, nonprofit agencies at no charge in order that the agencies may provide the vaccine, at a minimal cost, at accessible locations in the order of priority first for all persons 60 years of age or older in this state and then to any other high-risk groups identified by the United States Public Health Service. The department and the California Department of Aging are required to prepare, publish, and disseminate information regarding the availability of the vaccine and the effectiveness of the vaccine in protecting the health of older persons. This bill would require the department to establish a bulk purchasing program for influenza vaccine that will be available to smaller physician practices and would authorize the department to implement this program through an expansion of the program in the above described provisions. The bill would require that the program be designed so that the proceeds from the sale of the vaccine, which would be available upon appropriation by the Legislature, would cover the total costs of the program.

Status: VETOED

SB 1471
Kuehl

Sex education programs: requirements

Existing law establishes requirements for the provision of sex education. The existing California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act, authorizes school districts to provide comprehensive sexual health education, as defined, in any kindergarten to grade 12, inclusive, and ensures that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education, as defined. Existing law enumerates various requirements for comprehensive sexual health education and HIV/AIDS prevention education. Existing law requires a school district to notify the parent or guardian of a pupil about instruction in comprehensive sexual health education and HIV/AIDS prevention and empowers a parent or guardian to excuse his or her pupil from all or part of that instruction. This bill would enact the California Sexual Health Education Act, which would require any program that provides education to prevent adolescent or unintended pregnancy or to prevent sexually transmitted infections and that is conducted, operated, or administered by the state or any state agency, or is funded directly or indirectly by the state, including, but not limited to, public schools, or receives any financial assistance from the state funds or funds administered by the state, to meet specified requirements.

Status: VETOED

SB 1711
Ortiz

Flu vaccinations: report

Existing law requires the State Department of Health Services to provide appropriate flu vaccine to local governmental or private, nonprofit agencies at no charge in order that the agencies may provide the vaccine, at a minimal cost, at accessible locations, as specified. This bill would require the department, or an entity with whom the department contracts with for this purpose, to evaluate the effectiveness of the department's current system of distributing the flu vaccine to local governmental or private, nonprofit agencies and report its findings to the Legislature, no later than January 1, 2008.

Status: Died in Assembly Appropriations Com.

SB 1780
Alarcon

Health facilities: nosocomial infections

Existing law prescribes certain licensure and other regulatory requirements for health facilities, as defined. A violation of these requirements by health facilities is subject to criminal sanction. This bill would require that on and after January 1, 2008, each health facility transmit notification of a nosocomial infection to the Office of Statewide Health Planning and Development. This bill would also require that the office on or before January 1, 2009, and annually thereafter, compile this data and establish an aggregate nosocomial infection rate per health facility and transmit the aggregate nosocomial infection rate of each health facility to all applicable local health agencies.

Status: Died in Senate Com. on Health.

Emergency Medical Services

- AB 103
Cohn *Pupil safety: disaster preparedness*
Existing law makes each school district and county office of education responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive. Existing law requires a school safety plan to include disaster procedures, including, among others, an earthquake emergency procedure system and a school building disaster plan. This bill would require the State Department of Education to electronically distribute disaster preparedness educational materials and lesson plans that are currently available to local school districts and county offices of education. This bill would require the State Department of Education to ensure that the materials are available in at least the 3 most dominant primary languages spoken by English learners in California. This bill would further require the department to coordinate with the Office of Emergency Services to make sure that all materials are reviewed and updated annually.
Status: CHAPTERED
- AB 586
Negrete
McLeod *Medical disaster mobilization*
Pursuant to the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act, the Emergency Medical Services Authority is established within the California Health and Human Services Agency to administer the emergency medical services system to coordinate and integrate effective and efficient emergency medical services throughout the 58 counties of the state. The EMS Act, in part, requires that the authority develop planning and implementation guidelines for emergency medical services systems receive implementation plans from local EMS agencies, assess each EMS area, and provide technical assistance to local agencies for the purpose of developing the components of the EMS systems. The EMS Act provides for coordination of services with other state agencies, establishes the Interdepartmental Committee on Emergency Medical Services to advise the authority, provides personnel standards, and provides for local administration of county EMS programs. Existing law requires the authority, in consultation with the Office of Emergency Services, to respond to any medical disaster by mobilizing and coordinating emergency medical services mutual aid resources to mitigate health problems. Existing law, the California Emergency Services Act, subdivides the state emergency services organizations into mutual aid regions, as defined, for the purpose of facilitating the coordination of mutual aid and other emergency operations. The law defines an operational area for this purpose as an intermediate level of state emergency services organization, consisting of a county and all political subdivisions within a county. This bill would authorize the local EMS agency administrator, if any, and the local health officer to jointly appoint a medical/health operational area coordinator. It would, if an operational area has a medical health operational area coordinator, designate the medical/health operational area coordinator, if any, in cooperation with various agencies, as the person responsible for ensuring the development of a medical and health disaster system, as defined.
Status: CHAPTERED
- AB 1848
Bermudez *Homeland security: interoperable public safety communication network*
Existing law provides for the coordination of state and local public safety agencies and emergency response teams to respond to emergencies. Existing law administered by the Federal Communications Commission authorizes public safety agencies or entities to operate radio communication systems on specified frequencies of the radio spectrum and directs states to oversee the interoperability of the public safety spectrum. Existing law also establishes the Public Safety Radio Strategic Planning Committee responsible for implementing a statewide integrated public safety communication system using federally specified frequencies to facilitate interoperability among specified public safety departments and requires the committee to report annually to the Legislature regarding the committee's progress. This bill would designate the annual report to serve as the state strategic plan for establishing a statewide integrated interoperable public safety communications network and would require the report to include implementation strategies and time-lines.
Status: CHAPTERED
- AB 2083 *Emergency medical services: automatic external defibrillators*

Vargas Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, permits each county to establish an emergency medical services program under which the county is required to designate a local emergency medical services agency (EMS agency). The act authorizes the local EMS agency to implement a trauma care system if the system meets the minimum standards set forth in the regulations established by the Emergency Medical Services Authority and the authority has approved a plan. Existing law authorizes the authority to establish minimum training and other standards for the use of automatic external defibrillators and requires persons or entities that acquire the defibrillators to comply with maintenance, testing, and training requirements, which are scheduled to change on January 1, 2008. Existing law, until January 1, 2008, provides immunity from civil damages for those persons or entities, and sets forth tenant notice and other requirements for building owners in which an AED is placed. This bill would extend the January 1, 2008, termination date of these provisions to January 1, 2013.
Status: CHAPTERED

AB 2116 *Emergency Services: disaster assistance: equipment*
Cohn Existing law requires the Public Safety Radio Strategic Planning Committee to make recommendations for state agency purchase of communications equipment that will enable interoperability and other shared uses of the public safety spectrum with local and federal agencies. This bill would specify that the recommended equipment be public safety radio subscriber equipment that also conforms to governmental standards for interoperability and, as technology evolves, that the equipment or systems be nonproprietary and have open architecture and backward compatibility. The bill would authorize the committee to recommend this equipment to any other federal, state, regional, or local entity with responsibility for developing, operating, or monitoring interoperability of the public safety spectrum. The bill would define "nonproprietary equipment or systems," "open architecture," "backward compatibility," and other related terms, for these purposes. The bill would require a local first response agency that purchases public safety radio communication equipment with state funds or federal funds administered by the state, to ensure that the equipment purchased complies with certain specifications. This bill would incorporate additional changes to Section 8592.1 of the Government Code proposed by AB 2041, to be operative if this bill and AB 2041 are enacted and become effective January 1, 2007, and this bill is enacted last.
Status: CHAPTERED

AB 2224 *Emergency response: statewide critical incident planning and mapping system*
Houston Existing law sets forth the authority and duties of the Office of Emergency Services in overseeing emergency response activities in the state generally. Existing law establishes a California Office of Homeland Security within the Office of Emergency Services. This bill would, to the extent funding is available, require the California Office of Homeland Security to establish a statewide critical incident planning and mapping system for public buildings in the state for use by emergency response agencies, to include specified components. It would require state agencies to participate in the system to the extent funding is available for that purpose, and would authorize local agencies to participate at their option.
Status: Died in Assembly Appropriations Com.

AB 2231 *Accessibility of emergency services information: working group*
Pavley Existing law requires the Office of Emergency Services to perform various activities concerning preparedness for, and the provision of, services during emergencies. These activities include coordination with state and local agencies. This bill would require the Director of the Office of Emergency Services to convene a working group consisting of a specified membership to consider and make recommendations with respect to a system for the transmission of emergency alerts to the public through a public-private partnership, subject to specified criteria. It would require the director to report the working group's findings and recommendations to the Legislature within one year of the date the working group is convened. The bill would appropriate \$150,000 for the term of the 2006-07 and 2007-08 fiscal years from specified funds in the Federal Trust Fund to the Office of Emergency Services for the purposes of the bill.
Status: CHAPTERED

- AB 2451
Richman *Public Health Preparedness Act*
Existing law makes various provisions for the prevention of disease and the promotion of health, and imposes various requirements on the State Department of Health Services in this regard. This bill would enact the Public Health Preparedness Act, which would require the Secretary of California Health and Human Services to prepare and deliver to the Governor and the Legislature, and to annually review, the Public Health Emergency Plan for responding to a public health emergency, including specified provisions and guidelines. This bill would, except for any confidential component of the plan and the annual review which is to be provided only to the Governor, require the secretary to distribute copies of the plan to state and local government agencies responsible for the implementation of the plan, and to interested persons and members of the public, and to solicit comments on the plan from those agencies, interested persons, and members of the public. The bill would require the secretary to review the plan and report annually to the Legislature on the status of the plan and any resources necessary to implement its provisions, except as to any confidential component of the plan that is to be delivered only to the Governor. The bill would prohibit implementation of the plan without subsequent statutory authorization if necessary.
Status: Died in Assembly Appropriations Com.
- AB 2499
Ruskin *Emergencies: State Computer Emergency Data Exchange Program*
(1) Existing law provides that it is the duty of the State Computer Emergency Data Exchange Program to collect and disseminate data for emergency management. This bill would further specify that the duties include an inventory of state personnel and resources available to the state and the state's mutual aid regions in times of emergency. It would also require the office to develop policies and procedures governing the inclusion of private sector resources available to the state and the state's mutual aid regions in times of emergency, and would require the office to pursue all available federal grant funding to offset program costs. (2) Existing law provides for participation in the program by specific state agencies as well as any state agency not specified that collects data and information that will affect an emergency response. This bill would include the State Department of Health Services and the California National Guard within the specified agencies required to participate in the program. (3) Existing law specifies that it is the Legislature's intent that the program facilitate communication between state agencies and that the emergency information be readily available to city and county emergency services offices. This bill would further specify the intent of the Legislature that the program facilitate planning coordination and resource exchange between state agencies, and be compatible with the office's standardized emergency management system. It would make a conforming change with respect to city and county emergency services offices.
Status: VETOED
- AB 2554
Ridley-Thomas *Emergency medical technicians: certificates: discipline*
Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, provides for the certification of emergency medical technicians through the issuance of certificates, including EMT-I and EMT-II certificates, by local entities, known as local EMS agencies, which are designated by counties. Existing law also permits public safety agencies, for public safety personnel, and the State Board of Fire Services, for fire safety personnel, to issue EMT-I certificates. Existing law provides that the medical director of a local EMS agency or the Emergency Medical Services Authority may deny, suspend, or revoke certificates issued under these provisions, or may place a certificate holder on probation, upon finding the occurrence of any of specified events. This bill would prohibit a medical director of the local EMS agency from suspending or revoking any EMT-I certificate issued by a public safety agency or from placing on probation an EMT-I certificate holder in which the public safety agency has issued the certificate until certain policies and procedures are developed by the medical director and approved by the authority. The bill would authorize the medical director to temporarily suspend an EMT-I or EMT-II certificate upon specified determinations.
Status: VETOED
- AB 2584
De La Torre *Emergency and disaster response exercises: infectious diseases*
(1) The California Emergency Services Act sets forth the duties of state and local agencies in emergency and disaster preparedness and response generally. This bill would additionally require,

pursuant to the act, that.

Status: VETOED

AB 2674
Villines

Portable emergency temporary shelters

This bill would state the intent of the Legislature to enact legislation to define and authorize the use of portable emergency temporary shelters.

Status: Died in Assembly Com. on Education

AB 2883
Oropeza

Local government: urban areas

Existing law requires the Governor to appoint, to serve at his or her pleasure, a Director of Homeland Security to be in charge of homeland security and the state coordinator of all homeland security activities. This bill would state the intent of the Legislature to enact legislation that would clarify the definition of "urban area" to maximize eligibility for federal Department of Homeland Security funding in high-risk localities.

Status: Died at Desk

SB 409
Kehoe

Emergency health care services: appropriations

Existing law establishes the State Department of Health Services for the administration and oversight of various health care programs. Existing law establishes the Emergency Medical Services Authority for the coordination and integration of all state activities concerning emergency medical services.

This bill would appropriate from the General Fund \$5,451,000 to the department and \$1,622,000 to the authority for the 2005-06 fiscal year, for specified public health purposes.

Status: CHAPTERED

SB 1277
Alquist

Emergency services and care: reimbursement

Existing law, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act (EMS Act), establishes the Emergency Medical Services Authority within the California Health and Human Services Agency to provide statewide coordination of local county EMS programs. Existing law authorizes a county to establish an emergency medical services fund for reimbursement of EMS related costs, and requires each county to establish within its emergency medical services fund various accounts into which each county is required to deposit funds appropriated by the Legislature for purposes of these accounts, including a Physician Services Account. Existing law authorizes a county to allow the State Department of Health Services to administer the county's emergency medical services fund if the county also elects to have the department administer its medically indigent services program. Existing law requires a county to adopt a fee schedule to establish a uniform, reasonable, level of reimbursement from the physician services Account for reimbursable services provided pursuant to the medically indigent services program. This bill would require the State Department of Health Services to adopt a single fee schedule to establish a uniform, reasonable, level of reimbursement for use when a county contracts with the state for the administration of the Physician Services Account. This bill would permit the department to develop, contract for the development of, or adopt by reference, the required fee schedule, and would permit the department to be reimbursed for development or adoption of the fee schedule, as specified. This bill would also permit the department to implement the provisions of the bill by provider bulletins or similar instruction.

Status: CHAPTERED

SB 1339
Romero

Emergency medical services

Existing law establishes the Emergency Medical Services Authority that, among other things, is required to adopt regulations governing emergency medical services, including local emergency medical service agencies and trauma care centers. Under existing law, the authority is required, among other things, to assess emergency medical services needs throughout the state and to provide technical assistance for the purpose of developing emergency medical services systems. Existing law (Chapter 333 of the Statutes of 2002) requires the authority to convene a task force of specified members to study the delivery and provision of emergency medical services in California, and requires the task force to submit a report to the Legislature providing recommendations for improving the delivery of emergency medical services throughout California within 2 years from the

date that funding and positions have been provided for the project, to be implemented only to the extent that the authority obtains private funding needed to support and monitor the work of the task force. This bill would, to the extent that private funding is obtained, the Emergency Medical Services Authority to create a working group to, among other things, design a study to assess the adequacy of the state's emergency and trauma care systems and provide, by March 1, 2008, a specified report to the chairs of the appropriate committees of the Legislature.

Status: VETOED

SB 1350
Romero

Trauma care funding: regional funding allocations

Existing law, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act, establishes the Emergency Medical Services Authority within the California Health and Human Services Agency to, among other things, provide statewide coordination of county EMS programs, and to administer the Trauma Care Fund. Existing law establishes the Trauma Care Fund within the State Treasury and continuously appropriates the funds to the authority for distribution to local trauma care centers. Existing law requires that local emergency services (EMS) agencies that receive funding pursuant to those provisions distribute those funds to eligible trauma centers, as provided. This bill would require local EMS agencies to distribute these funds by utilizing a competitive grant-based system that requires a trauma center to demonstrate a need for funding based on the percentage of uninsured patients that the trauma center treats. The bill would require a local EMS agency, in determining the distribution of funds to trauma centers, to base its decision on whether the grant proposal satisfies one or more of specified criteria. This bill would specify that there shall be established in California a statewide inclusive trauma care system, for which the authority shall serve as the lead agency responsible for the statewide trauma care system, would require the authority to establish trauma care regions, and would require each region to develop a trauma care plan that will provide for trauma care coverage to the entire region. This bill would also require the authority, upon the establishment of trauma care regions, to distribute any funds available for the purposes of regionalization to accomplish specified objectives related to the establishment of that statewide inclusive trauma care system. The bill would require the authority to establish regulations for the implementation of the statewide trauma care system by July 1, 2008, and would specify that each trauma care region shall be governed by a regional trauma care board comprised of specified members.

Status: Died in Assembly Appropriations Com.

SB 1430
Alquist

The Local Pandemic and Emergency Health Preparedness Act of 2006

Existing law authorizes the Director of Health Services and local health officers to issue orders to enforce various public health and safety requirements. Existing law also authorizes local peace officers to enforce orders of the State Department of Health Services and of local health officers issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease and authorizes the Director of Health Services and the local health officer to consider whether a request for enforcement assistance would necessitate advising regarding measures to be taken to prevent infection of enforcement officers when requesting assistance in enforcement of their orders. This bill would enact the Local Pandemic and Emergency Health Preparedness Act of 2006. Existing law provides that no provider of health care, health care service plan, or contractor shall disclose medical information regarding a patient of the provider of health care or an enrollee or subscriber of a health care service plan without first obtaining an authorization, with certain exceptions. This bill would also authorize the disclosure of information to a local health department for the purpose of preventing or controlling disease injury, or disability as authorized by state and federal law. Existing law provides that whenever a release, spill, escape, or entry of waste occurs as described and the director or the local health officer reasonably determines that the waste is a hazardous waste or medical waste, or that it may become a hazardous waste or medical waste because of a combination or reaction with other substances or materials, and the director or local health officer reasonably determines that the release or escape is an immediate threat to the public health, the director may declare a health emergency and the local health officer may declare a county health emergency in the county or any area thereof affected by the threat to the public health. This bill would include circumstances where there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic

agent, toxin, or radioactive agent to the scope of that authorization. Existing law authorizes local health officers, after the declaration of a health emergency, to take certain measures. This bill would specify the responsibilities of local and state entities after the declaration of a health emergency by a local health officer. This bill would authorize a local health officer to issue, and authorize a first responder to execute, an order that authorizes a first responder to immediately isolate exposed individuals that may have been exposed to biological, chemical, toxic, or radiological agents that may spread to others, and would make a violation of that provision a crime. By defining a new crime, this bill would result in a state-mandated local program.

Status: CHAPTERED

SB 1451
Kehoe

Emergency preparedness: disabled community

Existing law provides for emergency services, as specified. This bill would require the Governor's Office of Emergency Services to ensure representation of the disabled community on all pertinent Standardized Emergency Management System Specialist Committees, as specified. The bill would require the Director of Emergency Services to report to the Legislature, not later than January 1, 2009, recommendations regarding preparedness, planning, procedures and other items, as specified, to prepare and disseminate sample brochures on those matters, and to make those brochures available in accessible formats, as specified. The bill would require the director and the State Fire Marshal's office to seek research funds to assist in the development of new technologies and information systems that will assist in the evacuation of disabled persons, as specified. The bill would express the intent of the Legislature that funds be used from funds received from the federal Department of Homeland Security, as specified.

Status: CHAPTERED

SB 1479
Soto

Office of Emergency Services: disaster information center

(1) The California Emergency Services Act generally sets forth the duties of the Office of Emergency Services in overseeing emergency preparedness and response activities in the state, including those activities implemented under the state emergency plan. This bill would require the office to establish and maintain an Internet-based disaster information center for public access during disasters and other emergencies that would include specified information. The bill would also require the office to evaluate the state's capabilities under the state emergency plan for response in the event of a catastrophic disaster in the state, and to report its findings and recommendations to the Legislature by no later than June 30, 2007. (2) The act permits the office to establish a model process that would be made available to assist a community in recovering from an emergency proclaimed by the Governor, subject to specified criteria. This bill would require, rather than permit, the office to establish the model process and make it available for these purposes.

Status: Died in Senate Appropriations Com.

SB 1648
Kehoe

California Emergency Services Act: emergency planning

The California Emergency Services Act generally sets forth the duties of the Governor in coordinating the State Emergency Plan and emergency programs, and the preparation of those plans and programs by the political subdivisions of the state, according to specified criteria. This bill would make technical, nonsubstantive changes to these provisions.

Status: Died in Senate Com. on Rules

SB 1656
Alquist

Public emergency responses

Existing law establishes and directs the State Department of Social Services to administer and establish regulatory oversight of social service programs. This bill would require the department to convene a work group for the purpose of developing a series of findings and recommendations relative to emergency response needs of aged or disabled persons and poor families in the event of a serious public emergency. Existing law establishes the Special Fund for Economic Uncertainties. Moneys in that fund are continuously appropriated without regard to fiscal years for specified natural disaster assistance programs. This bill would authorize any county that incurs eligible extraordinary costs associated with the rescue and relocation of substantial numbers of persons whose financial needs are financed through the State Supplementary Program for the Aged, Blind and Disabled, the federal Supplemental Security Income Program, or the CalWORKs Program to submit a claim for

reimbursement of extraordinary costs to the State Department of Social Services, and would require the department to submit the claim to the Controller for allocation to the county. Since the bill would authorize the reallocation of funds from the Special Fund for Economic Uncertainties, this bill would constitute an appropriation.

Status: Died in Senate Human Services Com.

SB 1723
Kehoe

Emergency services

Existing law provides that during a state of war emergency or a state of emergency, the Governor may suspend any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules or regulations of any state agency where the Governor determines and declares that strict compliance with any statute, order, rule or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency. This bill would make a technical, nonsubstantive change to this provision.

Status: Died in Senate Com. on Rules.

Family Health Services

- AB 10
Daucher *Appropriate facility placement standards*
Existing law provides for the licensing and regulation of health facilities, including general acute care hospitals and skilled nursing facilities, by the State Department of Health Services. Existing law requires the California Health and Human Services Agency to set standards for CalCareNet, a statewide Internet-based application to help a consumer find state-licensed long-term care providers. Existing law requires that the agency recommend to the Legislature standards for care navigation, to link consumers to necessary long-term care services and caregivers. This bill would require the State Department of Health Services to select 3 voluntary pilot programs that utilize a documentation tool, if available, to be allowed to charge a fee for long-term care navigation services. The fee would be voluntary and would be charged to non-Medi-Cal seniors and persons with disabilities 18 years of age or older who are at risk for nursing home placement and who would like long-term care navigation services. The bill would declare that, upon appropriation by the Legislature, the fee revenue would serve as matching federal targeted case management dollars to provide funding for Medi-Cal eligible seniors and persons with disabilities at risk of nursing home placement to receive the same long-term care navigation services as persons who utilize the private pay method. This bill would require the department, 24 months after commencement of the pilot programs, to evaluate the pilot programs, and submit this evaluation to the appropriate legislative committees. It would also require the department to seek a federal waiver, to be drafted by a 3rd party approved by the department. The bill would provide that it would be implemented only if the federal waiver is approved and the department determines that implementation of the pilot program is cost-neutral.
Status: Died in Senate Appropriations Com.
- AB 172
Chan *Child care: state preschool programs*
Existing law, the Child Care and Developmental Services Act, establishes various full- and part-time programs for a comprehensive, coordinated, and cost-effective system of developmental services for children to age 13 and their parents. Other existing law, the Kindergarten Readiness Pilot Program, permits, until January 1, 2014, school districts to participate in the program to provide kindergarten preparedness opportunities to increase a child's readiness for school. Existing law requires the Superintendent of Public Instruction to administer state preschool programs including part-time day and preschool appropriate programs for prekindergarten children 3 to 5 years of age. This bill would require the Superintendent of Public Instruction and the State Department of Education to administer prekindergarten and family literacy programs in accordance with specified funding and other requirements. The bill would require a participating program to provide specified child development and family literacy services as a condition of receiving funding. The bill would require a local educational agency on behalf of one or more participating programs to select a program coordinator who may be assigned one or more specified duties. The bill would make an appropriation by making \$50,000,000 of the funds appropriated in a specified provision of the Budget Act of 2006 for child development and preschool programs available for expenditure by the Superintendent for purposes of prekindergarten and family literacy programs, as specified. The bill would require the Superintendent to conduct an evaluation of the effectiveness of those programs, as specified. The bill would also make an appropriation by making \$5,000,000 of unearned contract funds appropriated in a specified provision of the Budget Act of 2005 for general child care programs available for expenditure by the Superintendent to provide direct child care services for children in participating classrooms, as specified. The bill would require the Superintendent to encourage participating providers to offer full-day services through a combination of part-day preschool slots and part-day general child care and development programs. This bill would appropriate \$150,000 from the General Fund to the State Department of Education for the 2006-07 fiscal year to administer specified child development and preschool programs.
Status: CHAPTERED
- AB 1478
Frommer *Developmental services*
Existing law, the Lanterman Developmental Disabilities Services Act, establishes the State Department of Developmental Services and sets forth its duties and responsibilities, including, but not limited to, the administration and oversight of the state developmental centers and programs

relating to persons with developmental disabilities. Existing law requires the department to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families. Existing law requires the department to develop evaluation and diagnostic procedures for the diagnosis of autism disorder and other autistic spectrum disorders. This bill would, in addition, require the department, in consultation with specified state departments, to develop a guidelines for the treatment of autism spectrum disorders and to disseminate the information to parents.

Status: VETOED

AB 1667
Saldana

Pupil health: individuals with exceptional needs: specialized physical health care services

Existing law provides that any individual with exceptional needs who requires specialized physical health care services, as defined, during the regular schoolday, may be assisted by certain specified individuals. This bill would, instead, provide that any individual with exceptional needs, any pupil with a disability, as described, and any other pupil who requires specialized physical health care services, during the regular schoolday, may be assisted by certain specified individuals, including designated school personnel, as provided. The bill would declare the intent of the Legislature that none of the provisions of the bill cause the placement of individuals with exceptional needs at schoolsites other than those they would attend but for their needs for specialized physical health care services.

Status: CHAPTERED

AB 1851
Coto

Healthy Families Program: application assistance

Existing law establishes the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health services to an eligible person. Under the program, eligibility is based upon an application submitted to the board. Existing law authorizes a participating health, dental, or vision plan that is in good standing to provide application assistance directly to an applicant acting on behalf of an eligible person who telephones, writes, or contacts the plan in person, as specified, and requests application assistance. Existing law, which became inoperative on January 1, 2006, also authorized a participating health, dental, or vision plan to provide application assistance directly to an applicant under certain conditions, including when the assistance is provided upon referral from a government agency, school, or school district. This bill would delete the January 1, 2006, inoperative date and thereby authorize a participating health, dental, or vision plan to provide application assistance directly to an applicant under those conditions, including when the assistance is provided upon referral from a government agency, school, or school district. This bill would declare that it is to take effect immediately as an urgency statute.

Status: CHAPTERED

AB 1948
Montanez

Medi-Cal: Healthy Families Program: Child Health and Disability Prevention (CHDP) Program

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law establishes the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health services to an eligible person. Existing law establishes the Child Health and Disability Prevention (CHDP) program, administered by the department, to provide early and periodic assessments of the health status of children. Under existing law, benefits under the Medi-Cal program provided to an individual pursuant to a preliminary determination end, without the necessity for any further review or determination by the department, on or before the last day of the month following the month in which the preliminary determination was made, unless an application for medical assistance is filed on or before that date. If an application for medical assistance is filed before this deadline, preliminary benefits continue until the regular eligibility determination based on the application has been completed. Existing law requires the department to develop an electronic application to serve as the application for preenrollment into the Medi-Cal program or the Healthy Families Program and to also serve as an application for the CHDP program. This bill would require the department to conduct, or contract for the conducting of, a technological feasibility study report of technological requirements for modifying the above electronic application to allow a person applying on behalf of a child the option to simultaneously preenroll and apply for

enrollment in the Medi-Cal program or the Healthy Families Program over the Internet without submitting a followup paper application. The bill would require the results of the feasibility study report to be provided to the fiscal and health policy committees of the Legislature on or before March 1, 2008.

Status: CHAPTERED

AB 1964
Nakanishi

Health care: blood glucose monitoring

Existing law imposes various functions and duties on the Director of Developmental Disabilities with respect to the provision of services for the care and protection of persons with developmental disabilities. Existing law authorizes specified persons who are not licensed health care professionals but who are trained to administer injections by a licensed health care professional to administer injections of insulin, and perform glucose monitoring, as prescribed by the child's physician to a foster child in placement. This bill would authorize direct care staff at an adult community care facility, an intermediate care facility/developmentally disabled habilitative, an intermediate care facility/developmentally disabled nursing, a residential care facility for the elderly, and an adult day health care facility, who are not health care professionals, but who are trained to administer injections, to perform blood glucose monitoring tests and administer emergency glucagon injections on developmentally disabled adults with diabetes, if specified criteria are met.

Status: Failed passage in Assembly Com. on Health.

AB 1979
Bass

Community care facilities: criminal record information: fees

Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care facilities by the State Department of Social Services. A violation of these provisions is a crime. Existing law requires that, before issuing any of specified documents allowing for the operation or management of a community care facility, the department or other approving authority secure from an appropriate law enforcement agency a criminal record with respect to the applicant and specified employees and volunteers who will have contact with children. Existing law requires the submission of the fingerprints of an applicant or other person who is not otherwise exempted from fingerprinting to the Department of Justice for the purpose of providing criminal record information, and requires the Department of Justice to provide notice of the criminal record information within 14 days of receiving the fingerprints. Existing law allows the Department of Justice to charge a fee sufficient to cover the cost of providing these services. These requirements also apply to prospective employees and volunteers subsequent to the commencement of operation by the facility. This bill would specify that candidates for mentoring foster children shall be subject to a criminal background investigation prior to having unsupervised contact with the children. This bill would prohibit the Department of Justice and the State Department of Health Services from charging a fee for a state-level criminal offender record information search and criminal background investigation.

Status: CHAPTERED

AB 1983
Bass

Foster care

Under existing law, aid is provided to foster children until the age of 18 years, but may be continued after a child's 18th birthday if the child is attending high school or an equivalent vocational or technical program, or is pursuing a high school equivalency certificate, and meets other specified requirements. This bill would require the department to convene a work group to identify former foster youth who are 18 to 29 years of age as a priority population, establish which services are provided and of most help to former foster youth, and to develop a plan to improve outreach efforts with a goal to increasing accessibility of these programs. This bill would require the work group to prepare and submit its recommendations to the department no later than January 1, 2008.

Status: Died in Assembly Appropriations Com.

AB 2031
Cohn

Dependent children

Existing law provides for the placement of dependent children by the juvenile court according to specified procedures. Existing law requires the state to encourage the development of approaches to child protection that employ specified methods. This bill would expand the latter provision by requiring the state to encourage the development of approaches that include ensuring that a search for

relatives available for placement is initiated before permanent placement decisions are made for children who cannot be reunited with their families. The bill would also set forth various requirements for the State Department of Social Services to ensure that as many family members as possible of dependent children are identified, including drafting guidelines outlining best practices in the use of advanced technology to assist counties in identifying all relatives and nonrelative extended family members at the earliest possible time for a foster child. The bill would authorize the department to identify best practices for implementing optimal foster child placement opportunities, as reported by designated counties that have developed kinship care programs for that purpose.

Status: VETOED

AB 2130
DeVore

Placement of children: values

Existing law authorizes the juvenile court to terminate parental rights with respect to certain dependent children and to take specified action with respect to those children, including placing a child for adoption or appointing a legal guardian for a child. Existing law also governs the adoption of children who have been placed for adoption by a licensed county adoption agency or the State Department of Social Services. This bill would, with respect to a dependent child for whom parental rights have been terminated or a child who has been placed for adoption by a licensed county adoption agency or the State Department of Social Services, require a court to consider the religious, cultural, moral, and ethnic values of the child or of his or her birth parents, if those values are known or ascertainable by the exercise of reasonable care before placing the child for adoption or appointing a legal guardian for the child.

Status: Failed passage in Com. on Human Services.

AB 2141
Jones

Family planning: Parent-Child Communication Assistance Program

Under existing law, specified family planning services, administered by the Office of Family Planning within the State Department of Health Services, are provided to Medi-Cal recipients and certain other persons. Existing law establishes various programs administered by the department relating to adolescent health. This bill would establish the Parent-Child Communication Assistance Program within the Maternal, Child, and Adolescent Branch of the department, with the goal of decreasing teenage pregnancies through programs that equip parents, guardians, and parenting adults with the knowledge, understanding, and communication skills necessary to talk to their children about making responsible decisions regarding at-risk sexual behavior, including unintended pregnancies and sexually transmitted diseases. The bill would require that the program provide funding for community-based programs, initiatives, or activities that focus on parents, guardians, and parenting adults of minor children at risk of becoming pregnant or impregnating someone, and would specify the funding priorities and certain qualifications for funding under the program. It would provide for the program to be implemented to the extent that an appropriation for that purpose is made from state or federal funds.

Status: Died in Assembly Appropriations Com.

AB 2195
Bass

Foster caregivers: placement options

Existing law provides for the placement of dependent children by the juvenile court according to specified procedures. Existing law separately establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs. Under existing law, a child who has been taken into temporary custody is detained and an able and willing relative or nonrelative extended family member is available and requests a temporary placement of the child pending the detention hearing, the county welfare department is required to assess the relative's or nonrelative extended family member's suitability, and may place the child in the relative's or nonrelative extended family member's home upon completion of the assessment. Existing law further requires the county welfare department to evaluate and approve or deny the home for AFDC-FC eligibility. This bill would establish similar procedures for assessment and approval of a relative's or nonrelative extended family member's home when the sudden unavailability of a foster caregiver requires a temporary change in placement on an emergency basis for a child who is under the jurisdiction of the

juvenile court, including provision for making these placements eligible for payments under the AFDC-FC program.

Status: CHAPTERED

AB 2216

Child Welfare Leadership and Performance Accountability Act of 2006

Bass

Existing law provides for oversight by various state and local entities of certain populations of children, including those who are wards of the juvenile court, and those who are in foster care, or are otherwise under the supervision of county welfare departments. Existing law provides for a system of child welfare services administered by each county, with oversight by the State Department of Social Services. Existing law also provides for the California Child and Family Service Review System, established by the Child Welfare System Improvement and Accountability Act of 2001, in order to review all county child welfare systems, covering child protective services, foster care, adoption, family preservation, family support, and independent living. Under the act, the California Health and Human Services Agency established a workgroup, comprised of representatives of specified entities and organizations, to establish a work plan by which to conduct these reviews. This bill, the Child Welfare Leadership and Performance Accountability Act of 2006, would establish within the California Health and Human Services Agency the California Child Welfare Council, an advisory body that would be responsible for improving the collaboration and processes of the multiple agencies and courts that serve children and youth in the child welfare and foster care systems. The bill would provide for the composition of the council, including as cochairs the Chief Justice of the California Supreme Court or his or her designee, and the Secretary of California Health and Human Services. The bill would require the secretary to ensure that current federal and state level outcome measures, among other information, are posted on the State Department of Social Services' Internet Web site. The bill would state the Legislature's intent to inspect other state child welfare and foster care systems over the course of the 2007-08 Legislative Session, for the purpose of examining effective administrative structures of leadership, and to conduct hearings and review recommendations of other commissions and bodies to determine if a reconfigured administrative structure would provide the statewide leadership and coordination between departments and agencies essential to improving outcomes for current and former foster children and youth throughout the state. This bill would require the Judicial Council to adopt outcome measures consistent with the outcome indicators specified above, by April 1, 2008.

Status: CHAPTERED

AB 2251

Reproductive health care services: confidentiality of personal information

Evans

(1) Existing law, to be repealed on January 1, 2008, establishes the Address Confidentiality for Reproductive Health Care Services Providers, Employees, Volunteers, and Patients program to protect the confidentiality of home address information of reproductive health care services providers, employees, volunteers, and patients. The program authorizes specified persons to complete an application to be filed with the Secretary of State for the purpose of enabling state and local agencies to respond to requests for public records without disclosing a program participant's residence address contained in any public record. Under existing law, any person who makes a false statement in an application is guilty of a misdemeanor. This bill would prohibit any person, business, or association from knowingly publicly posting or displaying on the Internet the home address, home telephone number, or image of any provider, employee, volunteer, or patient of a reproductive health services facility or of persons residing at the same home address of those persons with the intent to cause bodily harm to the person identified in the posting or display, or to a coresident of that person, where the 3rd person is likely to commit this harm, or to threaten the person identified in the posting or display, or a coresident of that person, in a manner that places the person identified or the coresident in objectively reasonable fear for his or her personal safety. The bill would establish a cause of action for damages and declaratory relief for violations. (2) This bill would, in addition, prohibit the public posting or displaying on the Internet of a home address or home telephone number after a written demand and would permit injunctive and declaratory relief in such a case. The bill would prohibit the Internet sale or trade of this information with the intent specified in paragraph (1) above, and would authorize recovery of money damages for violations

Status: CHAPTERED

AB 2284
Jones

Public health: foster children

Existing law provides for the Child Health and Disability Prevention (CHDP) Program under the supervision of the State Department of Health Services, pursuant to which certain health and disability prevention treatment services are provided to eligible children. Existing law authorizes certain providers, including physicians licensed to practice medicine in California, to participate in the program if approved by the community child health and disability program director in accordance with program standards and if certified by the department. Under existing law, when a child who is taken into temporary custody as a dependent child of the court is in need of medical, surgical, dental, or other remedial care, the assigned social worker or the juvenile court may authorize that care, under specified circumstances. This bill would require prescribed health and dental assessments to be provided to children under the jurisdiction of the juvenile court. Existing law requires the case plan for a child placed in foster care to include a summary of the child's health and education records. Existing law prescribes the contents of the summary, including, among others, the names and addresses of the child's health, dental, and education providers. This bill would require that the child's most recent health and dental assessments, as required under the bill, be included in the summary of the child's health and education records, and that an appropriate referral be made for a child whose assessment identifies the child as having suspected chronic and acute health care needs. Existing law requires the county welfare department, at any hearing to terminate jurisdiction over a dependent child who has reached the age of majority, to prepare a report that, among other things, documents that the county has assisted the child in completing applications for Medi-Cal or other health insurance providers. This bill would also require the report to document that the county has assisted the child in understanding his or her health care needs and in locating health care providers that will be able to meet those needs. Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law requires the department, if, and to the extent that, all necessary federal approvals are obtained for federal financial participation, to implement a federal option to extend Medi-Cal benefits to independent foster care adolescents, as defined in federal law. This bill would revise the definition of an independent foster care adolescent for these purposes, and would require the department to extend Medi-Cal benefits to these children until the age of 21 years. The bill would require the department to seek all necessary federal approvals and waivers to implement these provisions.

Status: Died in Senate Appropriations Com.

AB 2377
Chan

Health care coverage

Existing law creates the County Health Initiative Matching Fund where specified funds are deposited and administered by the Managed Risk Medical Insurance Board. Under existing law, an applicant, including a local initiative, may submit a proposal to the board for funding to provide health care coverage to persons who meet certain income and citizenship and immigration status requirements. This bill would, until a program is established to provide health care coverage to all children whose family income is at or below 300% of the federal poverty level, authorize a county operating a county health initiative, as defined, to apply to the board for additional funding to be used solely for specified purposes. The bill would require the board to provide funding on a first priority basis to a county with a county health initiative that, as of July 1, 2006, had an established waiting list or enrollment limitation. The bill would require a recipient county to use the funds to draw down federal matching funds, to the extent possible. The bill would limit the amount expended by the board to the amount appropriated for those purposes in the Budget Act of 2006 and in subsequent annual budget acts. The bill would repeal these provisions on January 1, 2008, unless a later enacted statute deletes or extends that date.

Status: Died in Senate Appropriations Com.

AB 2481
Evans

Foster care

Existing law provides for Aid to Families with Dependent Children Foster Care (AFDC-FC) for children who have been removed from their homes in certain instances, and establishes the rate of foster care provider payments with respect to children placed in a licensed or approved family home with a capacity of 6 or less or in an approved home of a relative or nonrelative legal guardian. Existing law provides for the adjustment of those rates at specified times. Existing law requires the

schedule of basic AFDC-FC rates to be adjusted by the percentage changes in the California Necessities Index, computed pursuant to a specified methodology, and subject to the availability of funds. In addition, existing law required, effective January 1, 2000, the basic rate to be increased by 2.36%, rounded to the nearest dollar. Existing law requires, except with respect to a specified fiscal year, that counties that receive state participation for a basic rate in excess of the existing basic rate schedule shall receive an annual increase in state participation of one-half of the percentage changes specified above, rather than the entire amount, until the difference between the county's adjusted state participation level and the adjusted schedule of basic rates is eliminated. This bill notwithstanding existing law, would additionally provide for an increase in the schedule of basic rates by 5% effective January 1, 2007, and by the percentage changes in the California Necessities Index, computed pursuant to the methodology specified under existing law for the 2007-08, 2008-09, 2009-10, and 2010-11 fiscal years. The bill would require all counties to receive increased state participation for the basic rate of the entire percentage adjustment, described in the bill, notwithstanding existing law. By requiring counties to comply with the rate adjustments, this bill would impose a state-mandated local program. Existing law continuously appropriates funds for allocation to each county for the adequate care of children of each child eligible to receive AFDC-FC foster care. By requiring the adjustment in the amount of money allocated under the AFDC-FC program, and increasing the required level of state participation, this bill would result in an appropriation. This bill would also require the State Department of Social Services to administer the Foster and Adoptive Parent Recruitment and Retention Program, created by this bill, establishes procedures for counties to elect to participate in the program, and would make funding of the program subject to appropriation in the annual Budget Act or another act.

Status: Died in Senate Appropriations Com.

AB 2651
Jones

Newborns: hearing screening

The existing Newborn and Infant Hearing Screening, Tracking, and Intervention Act, requires that every California Children's Services (CCS)-approved general acute care hospital with licensed perinatal services offer all parents of a newborn, upon birth admission, a hearing screening test for the identification of hearing loss, using protocols approved by the State Department of Health Services or its designee. This bill would, instead, require that this hearing screening be offered to every newborn, upon birth admission, by every general acute care hospital with licensed perinatal services, and would make related changes to the program. It would require certain hospitals that have not been approved by the CCS program, to contract for the provision of this service. This bill would provide that its provisions shall become operative on January 1, 2008.

Status: CHAPTERED

AB 2727
Klehs

Foster care services

Existing law declares the intent of the Legislature to preserve and strengthen a child's family ties whenever possible, removing the child from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. Existing law includes various provisions relating to the provision of appropriate placement and other services for children in foster care. This bill would make technical, nonsubstantive changes to a provision relating to foster children.

Status: Died at Desk.

AB 2742
Nava

Family planning: Medi-Cal: Family PACT program

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits, including family planning benefits. Family planning benefits under the Medi-Cal program are administered by the Office of Family Planning within the department. Existing law imposes specified duties on the Office of Family Planning with respect to the administration of these benefits. Existing law establishes a federally approved Medi-Cal waiver program, known as the Family Planning, Access, Care, and Treatment (Family PACT) program, administered by the Office of Family Planning, under which eligible individuals may receive specified family planning benefits. This bill would make legislative findings and declarations regarding family planning services in California. The bill would require that family planning services applicable to the Medi-Cal program

be identical to those required pursuant to the Family PACT program. Existing law allows the department to contract with managed care plans for the provision of services under the Medi-Cal program. This bill would require a Medi-Cal managed care plan to reimburse each nonprepaid health plan provider of family planning services at the applicable Medi-Cal rate appropriate to the provider type. It would require the plan to reimburse each correctly completed, valid claim from a nonprepaid health plan provider within 45 working days of receipt of the claim, to return an incomplete claim to an out-of-plan provider within 45 working days of receipt of the claim, and to ensure that 90% of correctly completed claims for payment are paid within 30 calendar days of receipt, consistent with federal law. This bill would prohibit a Medi-Cal managed care plan from restricting the choice of an enrollee regarding the provider from whom the enrollee may receive family planning services, so long as the provider is a Medi-Cal provider. Existing law provides that, if federal financial participation is eliminated for any services identified as comprehensive clinical family planning services under the Family PACT program, all persons who have received or are eligible to receive those services shall receive the services pursuant to other provisions of law, as specified. This bill would also provide that if federal financial participation is eliminated under the Family PACT program for mammography services or the hepatitis B vaccine, all persons who have received or are eligible to receive those services shall receive them pursuant to other provisions of law, as specified. The bill would require the Office of Family Planning to consult with the Medi-Cal Managed Care Division of the department in the development of goals for the provision of family planning services by managed care plans, and to finalize those goals by August 1, 2007. It would require the department to evaluate the performance of the managed care plans in meeting those goals, and to provide an update on this evaluation to the appropriate policy and fiscal committees of the Legislature by September 1, 2008.

Status: VETOED

AB 2818
Maze

Maternal use of narcotics: testing

Existing law establishes the State Department of Health Services and sets forth its powers and duties, including, but not limited to, duties regarding licensing and certification of health facilities, and regarding maternal and child health. Existing law establishes the State Department of Alcohol and Drug Programs and sets forth its powers and duties, including, but not limited to, duties related to alcohol and drug affected mothers and infants. This bill would require the State Department of Health Services by January 15, 2008, to develop a legal and illegal drug use surveillance program, as specified, which shall not be implemented without subsequent statutory authorization

Status: Failed passage in Assembly Com. on Health.

SB 38
Alquist

Healthy Families Program

Existing law establishes the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health services to an eligible person. Existing law provides that a child less than 19 years of age meeting specified requirements, including coming from a family with an annual or monthly household income equal to or less than 200% of the federal poverty level is an eligible person. Existing law also provides that all income over 200% of the federal poverty level, but less than or equal to 250%, is to be disregarded in calculating annual or monthly household income. This bill would state the intent of the Legislature to instead provide that income over 200% of the federal poverty level but less than or equal to 300% is to be disregarded in calculating annual or monthly household income.

Status: Died in Assembly.

SB 437
Escutia

Health care coverage

(1) Existing law establishes various public programs to provide health care coverage to eligible children, including the Medi-Cal program administered by the State Department of Health Services and county welfare agencies, and the Healthy Families Program administered by the Managed Risk Medical Insurance Board. Children through 18 years of age are eligible for health care coverage under these programs if they meet certain household income and other requirements. This bill would declare the intent of the Legislature that all children in the state have health care coverage by December 1, 2010. (2) Existing law creates the Medi-Cal-to-Healthy Families Bridge Benefits Program (Medi-Cal Bridge Program), which is administered by the Managed Risk Medical Insurance

Board as part of the Healthy Families Program, and continuously appropriates the Healthy Families Fund to the board for purposes of the Healthy Families Program. Under existing law, the Medi-Cal Bridge Program provides a child who meets specified eligibility requirements, including having a family income at or below 200% of the federal poverty level, one calendar month of health care benefits while applying for the Healthy Families Program. This bill, if federal financial participation is available, and the Healthy Families Program has sought and obtained federal approval, would cease implementation of the Medi-Cal Bridge Program and instead would provide for presumptive eligibility benefits until the person's eligibility for the Healthy Families Program has been determined by the board. This bill would require the board to enroll an eligible person in the Healthy Families Program and to terminate presumptive eligibility benefits for ineligible persons. The bill, by January 1, 2008, would require the board to implement processes for the self-certification of income by Healthy Families applicants, as specified. (3) Existing law, the California Special Supplemental Food Program for Women, Infants, and Children (WIC), authorizes establishment of a statewide program, administered by the State Department of Health Services, for providing nutritional food supplements to low-income pregnant women, low-income postpartum and lactating women, and low-income infants and children under 5 years of age, who have been determined to be at nutritional risk. The program, which implements a program authorized under existing federal law, provides for the redemption of nutrition coupons by recipients at any authorized retail food vendor. This bill would require the Managed Risk Medical Insurance Board and the State Department of Health Services, in collaboration with WIC program offices and other designated entities, to design, promulgate, and implement policies and procedures for an automated enrollment gateway system to obtain presumptive eligibility for, and to facilitate application for enrollment in, the Medi-Cal program and the Healthy Families Program for children applying to the WIC program. The bill would require the department to seek approval of any amendment to the state plan required to implement these provisions, and would require that all necessary approvals be obtained before the provisions are implemented. It would also provide for modifications in WIC program eligibility requirements. (4) Existing law requires the state, to the extent authorized by federal law, to administer the Medi-Cal to Healthy Families Accelerated Enrollment program. Under existing law, the program provides temporary health benefits for a child who meets specified eligibility requirements, including being eligible for full scope Medi-Cal with a share of cost and consenting to sharing specified information with the Healthy Families Program. This bill would cease implementation of this program, and instead would establish the Medi-Cal to Healthy Families Presumptive Eligibility Program, with revised eligibility requirements. The bill would provide presumptive eligibility benefits for qualifying children until the last day of the month of the child's effective date of Healthy Families coverage, or determination of ineligibility. The bill would make these provisions inoperative 3 years after the Director of Health Services executes a declaration relating to the statewide implementation of the presumptive eligibility program, at which time implementation of the Medi-Cal to Healthy Families Accelerated Enrollment program would resume. This bill would authorize the State Department of Health Services, by July 1, 2007, to implement a process for self-certification of the amount and nature of assets and income of Medi-Cal applicants and beneficiaries without submitting income or asset documentation, as specified, to the extent federal financial participation is available. The bill would prohibit implementation of these provisions if Proposition 86 is approved by the voters at the November 7, 2006, statewide general election, except as specified. (5) This bill would authorize the Managed Risk Medical Insurance Board to adopt emergency regulations to implement the bill, as specified. (6) This bill would provide that it shall be implemented only to the extent that funds for its purposes are appropriated in the annual Budget Act or another statute.

Status: CHAPTERED

SB 558
Migden

Healthy Families Program and Medi-Cal

Existing law requires the Employment Development Department to administer the unemployment compensation system, under which employers pay contributions to the department to fund the system. The department also collects other amounts from employers, including remittances of personal income taxes withheld by employers from employees. Existing law also provides that specified duties be performed by the State Department of Health Services, including those associated with the administration of the Medi-Cal program. Existing law creates the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision

of health care services to children less than 19 years of age who meet certain criteria, including having a limited gross household income. Existing law requires families with children participating in the program to pay specified family contribution amounts. Existing law requires the board to prepare an annual report, in conformance with federal law, regarding certain aspects of the Healthy Families Program, and to provide that report to the Legislature and others. This bill would require the board, in collaboration with the State Department of Health Services, to develop an informational document, referred to as the "Healthy Families/Medi-Cal Workplace Notice," containing certain information about the Healthy Families Program and the Medi-Cal program, that California employers would be required to provide to their employees. The bill would require the Employment Development Department to notify identified employers, as specified of the required Notice. The bill would also require the board to establish processes that would allow an employer to elect to allow employees to have the family contribution payments for health care coverage under the Healthy Families Program deducted from the employee's pay and transmitted to the board by the employer, or to have the contribution payments transferred from a designated financial institution to the board, and would require the board to include, for 2 years, the results of a certain survey in its annual report to the Legislature and others.

Status: Died in Assembly Com. on Health.

SB 1270
Chesbro

Developmental services: service methods: study

Existing law establishes the State Department of Developmental Services and sets forth its duties and responsibilities, including, but not limited to, administration and oversight of the state developmental centers and programs relating to persons with developmental disabilities. This bill would require the department to provide to regional centers, and make available on the Internet, specified information related to employment options for persons with developmental disabilities. This bill would also require the department, in consultation with regional centers, to assess the need and develop a plan for the training of regional center staff on employment issues faced by persons with a developmental disability. Existing law requires the development of an individual program plan for an individual with developmental disabilities eligible for regional center services. This bill would require a regional center, as a part of this plan, to provide information relevant to individuals with developmental disabilities in making informed choices about employment. Existing law provides for the Developmental Disabilities Program Development Fund to provide resources needed to initiate new programs that are consistent with approved priorities for program development in the state plan. This bill would instead provide that the fund shall provide resources needed to initiate new programs and to expand or convert existing programs, and would specify that all program development funds shall promote services and supports that increase opportunities for self-determination and independence of persons with developmental disabilities, as specified. This bill would also require the State Council on Developmental Disabilities, with the support of the department, to convene a workgroup, as specified, that will develop alternative and expanded options for nonresidential services and supports for persons with developmental disabilities. The bill would require the workgroup to develop and submit their recommendation to the Governor and appropriate committees of the Legislature by May 1, 2007, and incorporated into the state plan, thereafter. Existing law makes regional centers responsible for expanding opportunities for consumers through activities, including, but not limited to, providing technical assistance to and coordinating with, community support facilitators. This bill would also include providing services of information relevant to making choices about employment options.

Status: CHAPTERED

SB 1283
Chesbro

Area Boards on Developmental Disabilities

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families, and sets forth the duties of the regional centers, including, but not limited to, development of individual program plans and the monitoring of services. This bill would change from 6 to 7, the length of years within an 8-year period that a member of a regional center governing board may serve. Existing law provides for the establishment of the State Council on Developmental Disabilities and sets forth its duties and responsibilities, including, but not limited to, development of the California

Developmental Disabilities State Plan in accordance with federal law. Existing law establishes the area boards on developmental disabilities under the jurisdiction of the council and sets forth their powers and duties including, but not limited to, assisting the council and advocating for, and protecting the rights of, persons with developmental disabilities. This bill would require the Governor to appoint a deputy director for area board operations upon the recommendation of the executive director of the council, rather than upon recommendation of the council. The bill would require the Governor to appoint to the council the executive director of the California advocacy agency under federal law, rather than a member of that agency's board of directors. The bill would require the council to request information from regional centers regarding available and needed services and supports at least once every 5 years rather than every 3 years, would require the request to be made in conjunction with the area boards, would specify the information to be considered in making the needs assessment, and would require the methodology for collection and the display format of the information to be jointly determined by the council and the Association of Regional Center Agencies. The bill would require that the assessment be updated annually, be provided to the department and the Legislature, and be made available to the public. The bill would make other changes of a technical, nonsubstantive nature.

Status: CHAPTERED

SB 1289
Cedillo

Foster children: continuing aid and transitional services

Existing law provides for programs, such as the Transitional Housing Placement Program and the Supportive Transitional Emancipation Program (STEP), to provide services for foster children making the transition to independent living. Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs. Under existing law, aid is provided to foster children until the age of 18 years, but may be continued after a child's 18th birthday if the child is attending high school or an equivalent vocational or technical program, or is pursuing a high school equivalency certificate, and meets other specified requirements. This bill would instead allow a child who is in foster care and receiving AFDC-FC aid to continue to receive aid after 18 years of age until 21 years of age, if the foster child meets specified conditions. Existing law requires the department to develop statewide standards for the Independent Living Program for emancipated foster youth established pursuant to federal law. Under existing law, counties administer the Independent Living Program, and annually report to the State Department of Social Services regarding county implementation of the program. Existing law requires the case plan for a foster child 16 years of age or older to include specified independent living skills, when appropriate. This bill would require a county independent living program to provide mandatory, monthly, one-on-one case management for a foster child 14 years of age or older, focusing on specified issues related to the foster child's impending emancipation from foster care. The bill would require that this case management only be provided to a foster child residing in a group home, with a case plan for permanency placement, until January 1, 2008, and to foster children in other designated placements on specified dates. Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program. This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

Status: Died in Senate Appropriations Com.

SB 1337
Alquist

Developmental services: rental assistance

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families, including, but not limited to, residential placement, and sets forth the duties of the regional centers, including, but not limited to, development of individual program plans and the purchase and monitoring of services. Existing law permits the department to approve a proposal in designated regions, to provide for, secure, and ensure the full payment of a lease or leases on housing developed or acquired for occupancy by persons with developmental disabilities, if certain conditions are met. This bill would include within this authority the development of a mixed-use community to serve

consumers moving to community placement form Agnews Developmental Center.

Status: Died in Senate Com. on Human Services.

SB 1405

Medi-Cal: Healthy Families: interpreter services

Soto

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law establishes the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health, dental, and vision services to eligible children pursuant to a federal program entitled the State Children's Health Insurance Program. This bill would make certain findings regarding the portion of the California population that is limited English proficient (LEP). The bill would require the department to establish the Task Force on Reimbursement for Language Services to take specified actions relating to the provision of language assistance services for the population that is LEP and that is enrolled in the Medi-Cal program. The bill would provide for the appointment of the members of the task force based upon certain requirements. It would require the task force to brief the Legislature by submitting final recommendations no later than July 1, 2009, and would require that all costs associated with the task force be paid with private funds.

Status: Died on Senate file.

SB 1516

Foster care services

Aanestad

Existing law declares the intent of the Legislature to preserve and strengthen a child's family ties whenever possible, removing the child from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. Existing law includes various provisions relating to the provision of appropriate placement and other services for children in foster care. This bill would make technical, nonsubstantive changes to a provision relating to foster children.

Status: Died in Senate Com. on Rules.

SB 1570

Foster care: residentially based services: group homes

Alquist

Existing law provides for child welfare services, which are public social services directed toward, among other purposes, protecting and promoting the welfare of all children, including those in foster care placement. Existing law provides for the placement of children in foster care in various settings, including group homes, by foster placement agencies, under the oversight of the State Department of Social Services. Existing law provides for the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which, pursuant to a combination of federal, state, and county funds, aid on behalf of eligible children is paid to foster care providers. Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care facilities, including group homes, by the State Department of Social Services. Existing law requires the State Department of Social Services, under the direction of the California Health and Human Services Agency and in collaboration with other appropriate organizations, as specified, to reexamine the role of out-of-home placements currently available for children served within the child welfare services system. This bill would require the State Interagency Team for Children and Youth, within the California Health and Human Services Agency, to develop a plan for transforming the current system of group care for foster children or youth and for children with serious emotional disorders into a system of residentially based services. The bill would require that the plan contain specified elements, including elements relating to the services required to be offered by residentially based programs, administrative oversight of programs, the placement and assessment of children and youth in those programs, the use of available funding, agreements to test alternative program design and funding models, and the issuance by the State Department of Social Services of waivers with respect to regulatory provisions to implement those agreements. The bill would further require that the plan be submitted to the Legislature by July 1, 2008. The bill would provide that, to the extent that state funds are available for this purpose, the department may use these funds to employ an outside consultant with demonstrated national expertise in statewide foster care and residential systems.

Status: Died in Senate Appropriations Com.

SB 1596

Nurse-Family Partnership program

- Runner Existing law provides for the implementation of a community-based system of perinatal care for eligible women and infants administered by the State Department of Health Services. This bill would establish a voluntary nurse home visiting grant program, which would be administered and implemented by the department, for purposes of making grants to eligible participating counties for the provision of voluntary registered nurse home visiting services for expectant first-time low-income mothers, their children, and their families. This bill would provide that the department shall only distribute these grants if the Director of Finance determines, in writing, that there are sufficient funds from private donations available in the California Families and Children Account, which the bill would create in the State Treasury and which the bill would continuously appropriate to the department, for expenditure for the purposes of the program. The bill would provide that if as of January 1, 2009, the Director of Finance determines there are insufficient funds on deposit in the account to implement the program, the account shall cease to exist.
Status: CHAPTERED
- SB 1622 *Healthy Families Program and Medi-Cal: employee eligibility*
Escutia Existing law provides for various health programs under which qualified low-income persons are provided health care services. These programs include the Medi-Cal program, which is administered by the State Department of Health Services, and the Healthy Families Program, which is administered by the Managed Risk Medical Insurance Board. Existing law also requires the Employment Development Department to administer the unemployment compensation system and makes it a misdemeanor for a person to fail to supply information required by the Unemployment Insurance Code. This bill would require the State Department of Health Services and the Managed Risk Medical Insurance Board to develop, on or before January 1, 2008, an informational document, referred to as the "Employee Notification of Eligibility for Healthy Families/Medi-Cal," containing certain information about the Healthy Families Program and the Medi-Cal program. The bill would require California employers within identified industries, as specified, to provide the notice to employees, and would specify that a violation of that requirement is a misdemeanor. The bill would require the Labor Commissioner to enforce those provisions. The bill would also require the Employment Development Department to notify those employers of the requirements relating to the Employee Notification of Eligibility for Healthy Families/Medi-Cal.
Status: Died in Assembly Appropriations Com.
- SB 1641 *Foster care providers*
Soto Existing law provides for the licensure and regulation of community care facilities, including foster family agencies, foster family homes, small family homes, and group homes as defined, by the State Department of Social Services. This bill would require the Director of Social Services to report to the Legislature on the progress of the department's children's residential regulation review workgroup, including recommendations being considered for statutory, regulatory, and policy changes, and any workplan for the implementation of those recommendations. Under existing law, when a placement agency has placed a child with a foster family agency, the foster family agency is required to place the child in a licensed foster family home or certified family home that best meets the needs of the child. This bill would expand this provision to include instances when a placement agency places a child with a relative caregiver, a nonrelative extended family member, a licensed foster family home, or a group home. The bill would define a home that meets the best needs of the child to include a home that meets the child's health, safety, and well-being needs, is the least restrictive and most family-like environment, and allows the child to engage in reasonable, age-appropriate day-to-day activities, as specified. The bill would require the foster child's caregiver to use a reasonable and prudent parent standard, as defined, to determine these age-appropriate activities.
Status: CHAPTERED

Public Health Administration

AB 75
Frommer *Pharmaceutical assistance program*
Under existing law, the State Department of Health Services administers the Medi-Cal program, and is authorized, among other things, to enter into contracts with certain drug manufacturers. Under existing law, the department is entitled to drug rebates in accordance with certain conditions, and drug manufacturers are required to calculate and pay interest on late or unpaid rebates. This bill would establish the California Rx Plus State Pharmacy Assistance Program, to be administered by the department. The bill would authorize the department to negotiate drug rebate agreements with drug manufacturers to provide for program drug discounts. The bill would authorize any licensed pharmacy or drug manufacturer to provide services under the program. The bill would establish eligibility criteria and application procedures for California residents to participate in the program. The bill would make it a misdemeanor for a person to intentionally make false declarations as to his or her eligibility or eligibility on behalf of any other person seeking eligibility. Because this bill would create a new crime, it would impose a state-mandated local program. The bill would establish the California Rx Plus Program Fund, into which all payments received under the program would be deposited, with this fund to be used for the purpose of implementing the program, upon appropriation by the Legislature.
Status: Died in Sen. Com. on Health.

AB 774
Chan *Hospitals: fair pricing policies*
Existing law provides for the Office of Statewide Health Planning and Development, which is charged with the administration of health policy and planning relating to health facilities, including hospitals. Existing law also provides for the licensure and regulation of health facilities by the State Department of Health Services. This bill would require each hospital, as a condition of licensure, to maintain written policies about discount payment and charity care for financially qualified patients, as defined. The bill would require these policies to include, among other things, a section addressing eligibility criteria, as prescribed. The bill would require each hospital to perform various functions in connection with the hospital charity care and discount pay policies, including providing patients with notice that contains information about the hospital's discount payment and charity care policies, including information about eligibility and attempting to determine the availability of private or public health insurance coverage for each patient. The bill would also specify billing and collection procedures to be followed by a hospital, its assignee, collection agency, or billing service. This bill would require each hospital to submit to the office a copy of the hospital's discount payment and charity care policies, eligibility procedures, review process, and the application for charity care or discounted payment. This bill would also require the director to ensure that a hospital that overcharges a patient shall reimburse that patient, as described. This bill would provide that to the extent that certain of the bill's requirements result in a specified federal determination relating to the hospital's established charge schedule, the requirement in question shall be inoperative with respect to all general acute care hospitals.
Status: CHAPTERED

AB 959
Frommer *Medi-Cal: health facilities: reimbursement*
Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law provides that a health facility is eligible to receive supplemental reimbursement under the Medi-Cal program if the facility provides services to Medi-Cal beneficiaries, is a distinct part of an acute care hospital providing skilled nursing services, and is owned by any of certain local entities. This bill would, in addition, allow for the payment of supplemental reimbursement to a facility described above that is owned by the state. The bill would, for the department's rate year beginning August 1, 2006, and for subsequent rate years, expand this supplemental reimbursement provision to apply to a state veterans' home. Existing law provides for the payment of supplemental reimbursement to acute care hospitals owned by certain local entities, or by the University of California, that provide outpatient services to Medi-Cal beneficiaries. This bill would, in addition, commencing with the 2006-07 fiscal year, allow for the payment of supplemental reimbursement publicly owned or

operated health clinics that are enrolled as Medi-Cal providers. The bill would require an eligible facility under these provisions, as a condition of receiving supplemental reimbursement, to enter into, and maintain, an agreement with the department for the purposes of implementing these provisions and reimbursing the department for the costs of administering them. This bill would declare that it is to take effect immediately as an urgency statute.

Status: CHAPTERED

AB 1591
Chan

Medi-Cal eligibility: nurse practitioners

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. Existing law provides that services provided by a certified nurse practitioner are covered under the Medi-Cal program, to the extent mandated by federal law and requires the department to permit a certified family nurse practitioner or a certified pediatric nurse practitioner to bill Medi-Cal independently for his or her services. This bill would provide instead, that these services are covered to the extent authorized by federal law, and would require that the department permit any certified nurse practitioner to bill for these services.

Status: CHAPTERED

AB 1840
Jerome
Horton

Health care: employer coverage: disclosure

Existing law provides for various health programs under which qualified low-income persons are provided health care services. These programs include the Medi-Cal program, which is administered by the State Department of Health Services, and the Healthy Families Program and the Access for Infants and Mothers Program, which are administered by the Managed Risk Medical Insurance Board. This bill would require the department and the board, on or before March 15, of each year to collaborate to transmit to the Legislature a report identifying all employers who employ 25 or more persons who are beneficiaries or who support beneficiaries of these programs, as specified. The bill would also require the department and the board to make the report available to the public as provided in the bill.

Status: In Com. on Appr.: Set, first hearing. Referred to APPR. Suspense file. (last activity 4/5/06)

AB 1908
Karnette

Medi-Cal: pharmacy reimbursement

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits, including prescription drugs, are provided to public assistance recipients and certain other low-income persons. This bill would require the department to reimburse for medications provided to Medi-Cal recipients for intravenous or infusion drug therapy in a manner that is consistent with the services provided, in order to ensure that patients receiving these services continue to receive appropriate care and continuity of their drug regimen.

Status: Died in Assembly Com. on Health.

AB 1920
Chan

Medi-Cal: hospital funding

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits, including hospital services. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law establishes the Medi-Cal Hospital/Uninsured Care Demonstration Project Act, which revises hospital reimbursement methodologies under the Medi-Cal program in order to maximize the use of federal funds consistent with federal Medicaid law and stabilize the distribution of funding for hospitals that provide care to Medi-Cal beneficiaries and uninsured patients. This demonstration project provides for funding, in supplementation of Medi-Cal reimbursement, to various hospitals, including designated public hospitals, as defined, and sets forth a methodology for allocating those funds among the designated public hospitals for services provided during the 2005-06 project year. Existing law provides for the payment of stabilization funding to various hospitals, including designated public hospitals, pursuant to the demonstration project. Existing law requires that, for services provided during the 2005 -06 project year, the amount of stabilization funding be allocated in a specified manner among the designated public hospitals. This bill would require, in addition, that the amount of stabilization funding be allocated in that specified manner among the designated public hospitals for services provided during the 2006-07 project year.

Status: CHAPTERED

AB 1930
Berg

Medi-Cal: drug benefits: long-term care facilities

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits, including, for certain beneficiaries, prescription drug benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law provides for the federal Medicare Program, which provides health care benefits, including prescription drug benefits, to persons 65 years of age and older and other specified persons. Under the Medicare Program, prescription drug benefits are obtained through enrollment in a prescription drug plan offered under the program. Existing law requires Medicare-eligible persons who are also eligible for Medi-Cal prescription drug benefits to obtain those benefits through a prescription drug plan under the Medicare Program, except as specified. This bill would require the department to provide coverage, including retroactive coverage, for drug benefits during any period in which drugs are provided to a resident of a long-term care facility if that resident is eligible for Medicare benefits at the time of admission to the facility and, on or after the date of admission, applies for, and is determined to be eligible for, full benefits under the Medi-Cal program for the period in which the drugs are provided. It would require the department to provide this coverage regardless of whether federal financial participation is available. The bill would specify that these provisions shall not apply if the resident of the long-term care facility is enrolled in, and has active drug benefits under, a prescription drug plan under the Medicare Program for the period in which the drugs are provided, has disenrolled from such a program, or has a policy of insurance that provides prescription drug coverage for the relevant period.

Status: Died in Assembly Appropriations Com.

AB 1937
DeVore

Personal income tax: exemptions: federal subsidy for prescription drug plans

The Personal Income Tax Law and the Corporation Tax Law impose taxes based upon gross income and provide specified exclusions from that income. The Personal Income Tax Law expressly includes in a taxpayer's gross income any payment of federal subsidy, as specified, received by the taxpayer in connection with the costs incurred by the taxpayer as an employer providing a qualified employer-sponsored retiree prescription drug plan. This bill would, in conformity with the federal income tax laws, provide an exclusion from gross income for any special federal subsidy payment made to the taxpayer to compensate for the costs incurred in providing a qualified employer-sponsored retiree prescription drug plan, as defined. This bill would also specify, in conformity with the federal income tax laws, that the taxpayer may claim a deduction for those costs even if the taxpayer has received an excludable subsidy related to the same expense.

Status: Died in Assembly Com. on Revenue & Tax.

AB 1945
Coto

Juvenile detention facilities: release: health insurance

Existing law provides that whenever a minor is taken into custody by a peace officer or a probation officer, except as specified, the minor shall be released within 48 hours, excluding nonjudicial days, unless within that time a petition to declare the minor a ward of the court, or a criminal complaint against the minor, has been filed. Existing law provides for various institutions for the detention of minors, including institutions administered by the Division of Juvenile Facilities, formerly known as the Department of the Youth Authority, and county juvenile halls. Existing law establishes various public programs to provide health care coverage to eligible children, including the Medi-Cal program administered by the State Department of Health Services and county welfare agencies, and the Healthy Families Program administered by the Managed Risk Medical Insurance Board. Children to 18 years of age inclusive, are eligible for health care coverage under these programs if they meet certain household income and other requirements. This bill would require that, upon releasing a minor from a juvenile detention facility, as specified, the releasing authority shall determine if the minor will have health insurance after release and, if not, determine whether the minor is eligible for need-based health insurance programs. The bill would further require that the releasing authority ensure that an eligible minor is enrolled in an appropriate need-based health insurance program upon release.

Status: Died in Assembly Com. on Health.

- AB 1978
Walters
Hospital seismic retrofit
Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, requires the Office of Statewide Health Planning and Development to assume prescribed duties relating to construction and alteration of hospital buildings, including, but not limited to, review and approval of construction plans, in order to ensure that the buildings would be reasonably capable of providing services after a disaster. Existing law prohibits, after January 1, 2008, the use for acute care hospital purposes of any building that does not meet seismic safety standards, unless a 5-year extension is granted under prescribed conditions. This bill would extend that date until January 1, 2015, and would make conforming changes.
Status: Dies in Assembly Com. on Health.
- AB 2004
Karnette
Medi-Cal: juveniles: incarceration
Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law excludes from coverage under the Medi-Cal program care or services for any individual who is an inmate of an institution, except as specified. Under existing law, Medi-Cal eligibility determinations are made by county welfare departments. This bill would prohibit the use of inmate status to terminate the eligibility of a minor under the Medi-Cal program. The bill would require that the department suspend the health care benefits for, but not terminate the Medi-Cal eligibility of, a minor who is an inmate of an institution. It would require the department to ensure that, upon the termination of the minor's status as an inmate of an institution, he or she has immediate access to health care services covered under the Medi-Cal program, and would require the department, with respect to a minor who has not been determined to be eligible for Medi-Cal benefits prior to the termination of his or her status as an inmate, but has filed an application for Medi-Cal benefits, to ensure that the application is processed in a manner that will enable the minor, if eligible, to receive Medi-Cal covered services immediately upon the termination of his or her status as an inmate. The bill would require the department to establish procedures to ensure that, if a minor is not eligible for Medi-Cal, the minor's information is forwarded to the appropriate entity to determine eligibility for the Healthy Families Program, and would also require the department to establish a process to ensure that the state does not claim federal financial participation for a minor whose health care benefits are suspended pursuant to these provisions.
Status: VETOED
- AB 2010
Plescia
Income tax: health savings account
The Personal Income Tax Law authorizes various deductions in computing income that is subject to tax under that law. This bill would allow a deduction in connection with health savings accounts in conformity with recently enacted federal law. In general, the deduction would be an amount equal to the aggregate amount paid in cash during the taxable year by or on behalf of an eligible individual, as defined, to a health savings account of that individual, as provided. This bill would also provide related conformity to that federal law with respect to treatment of the account as a tax-exempt trust, the allowance of rollovers from Archer Medical Savings Accounts to a health savings account, and penalties in connection therewith. This bill would take effect immediately as a tax levy.
Status: Died in Assembly Com. on Revenue & Taxation.
- AB 2059
Berg
County Medical Services Program
Existing law provides that the board of supervisors of a county that contracted with the State Department of Health Services pursuant to a specified provision of law during the 1990-91 fiscal year and any county with a population under 300,000, as determined in accordance with the 1990 decennial census, by adopting a resolution to that effect, may elect to participate in the County Medical Services Program (CMSP) for state administration of health care services to eligible persons in the county. Existing law, until January 1, 2008, authorizes counties that participate in the CMSP to establish the CMSP Governing Board, to be comprised of various officers of participating counties, to govern the CMSP and to establish eligibility and benefit levels. Existing law provides that, if the CMSP governing board contracts with the department to administer the CMSP, the contract shall include specified provisions. This bill would revise these required provisions. The bill would provide that, if the governing board does not contract with the department for administration

of the CMSP, the board may contract with the department for specified services to assist in the administration of that program. The bill would provide that any such contract shall require that the board reimburse the state costs of providing administrative support. Existing law establishes a County Medical Services Program Reserve Account in the County Health Services Fund, containing projected savings transferred from the program account. This bill would eliminate this reserve account, and would instead require the governing board to establish a reserve account for the purpose of depositing funds for the payment of claims and unexpected contingencies. Existing law requires counties to pay participation fees as established by the governing board, and requires that these fees be deposited in the program account. This bill would instead require these fees to be deposited in the program account unless otherwise directed by the governing board. Existing law requires the governing board to establish uniform eligibility criteria and benefits for the CMSP. This bill would require that these eligibility criteria and benefits apply only to specified counties, and would provide that, for counties not so specified, the eligibility criteria and benefit structure may vary. The bill would allow the governing board to establish and maintain pilot projects to identify or test alternative approaches for determining eligibility or for providing or paying for benefits under the CMSP, and to develop and implement alternative products with varying levels of eligibility criteria and benefits outside of the CMSP. Existing law requires that counties and the state share the risk of cost increases of the CMSP not funded through other sources. Existing law provides for specified limitations on the amount of risk of cost increases in the CMSP that specified counties must bear. Existing law requires that the limitation applicable to counties that did not contract with the department pursuant to specified provisions of law include certain additional amounts. This bill would make various changes to these risk limitation amounts. Existing law allows the department to reimburse hospitals under the CMSP at the rates negotiated for the Medi-Cal program if a specified condition is met. This bill would eliminate this provision. Existing law requires counties to pay specified amounts to the department as a condition of participation in the CMSP. This bill would make various changes to these participation amounts. Existing law sets forth the powers of the CMSP Governing Board. This bill would provide the governing board with certain additional powers relating to monitoring and enforcing billing and the payment of fees, investigating improper billing, pursuing 3rd party and estate recoveries, establishing pilot projects, and developing alternative products outside of the CMSP. Existing law requires that, before initiating any proceeding to challenge any action by the governing board, any prospective claimant first notify the board of the nature and basis of the challenge and the amount claimed. Existing law requires the board to consider the matter within 60 days after receiving the notice and to promptly thereafter provide written notice of the board's decision. Existing law provides that these requirements do not apply to provider audit appeals conducted pursuant to certain provisions of law, and apply to all claims not reviewed pursuant to other provisions of law. This bill would provide that these requirements would not apply to provider audit appeals conducted pursuant to the provisions of law referenced above, and would apply to all claims not reviewed pursuant to the other provisions of law referenced above, only if the governing board contracts with the department for administration of the CMSP. Existing law requires the governing board to comply with specified procedures for public meetings held to eliminate or reduce the level of services, restrict eligibility for services, or adopt regulations, including holding those meetings in the county seats of at least 4 regionally distributed CMSP participating counties. Existing law requires that the governing board locate those meetings in a specified manner to ensure that each member of the target population may reach at least one meeting by a drive of 4 hours or less. This bill would, alternately, allow the governing board to hold 2 of the above meetings in Sacramento County, and would impose specified requirements for the conduct of meetings held outside Sacramento County.

Status: CHAPTERED

AB 2170
Chan

Gallegos-Rosenthal Patient Advocate Program

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. The Gallegos-Rosenthal Patient Advocate Program within the department represents the interests of enrollees of health care service plans, and one of its functions is to create a quality of care report card on health care service plans. This bill would require the program to include information in the report card on the quality of care and access provided by Medicare drug plans and stand-alone prescription drug

plans under Medicare Part D, the federal program for prescription drug reimbursement coverage.

Status: VETOED

AB 2205

Food Stamp Program: categorical eligibility

Evans

Existing law provides for the federal Food Stamp Program, under which each county distributes food stamps provided by the federal government to eligible households, and the CalWORKs program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals. Existing law also provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and other low-income persons. Under existing law, the State Department of Social Services is required to develop a program of categorical eligibility under the Food Stamp Program for persons receiving certain cash assistance for indigent persons. This bill would require the department to establish a similar categorical eligibility program for recipients of benefits under the Medi-Cal program, when those individuals will be receiving or are eligible to receive benefits or services funded under the federal Temporary Assistance for Needy Families (TANF) block grant. The bill would require the department to establish the program by July 1, 2007, and to fully implement it as to new food stamp applicants by January 1, 2008.

Status: VETOED

AB 2281

Health care coverage with deductibles

Chan

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, health care service plans and health insurers are required to comply with specified standards with regard to the benefits provided under their plan contracts and policies. This bill would establish standards and disclosure requirements, relative to deductibles and other nonpremium expenses, for health care service plan contracts and for health insurance policies offered, delivered, amended, or renewed on or after July 1, 2007, by a health care service plan or health insurer. The bill would also require, on or before July 1, 2007, the Director of Managed Health Care and the Insurance Commissioner to develop and post on their department's Internet Web site, an informational guide to assist consumers to evaluate health care coverage products.

Status: Died in Assembly Appropriations Com.

AB 2282

Federally-qualified health centers

Oropeza

Existing law, with certain exceptions, prohibits the offer, delivery, receipt, or acceptance by any healing arts licensee regulated by the Business and Professions Code or under the Chiropractic Initiative Act of any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, as compensation or an inducement for referring patients, clients, or customers to any person. A violation of this provision is a crime. This bill would provide that the offer, delivery, receipt, or acceptance of any consideration between a federally-qualified health center, as defined, and any individual or entity providing goods, items, services, donations, loans, or a combination thereof to the health center is permitted only if the transaction is consistent with a specified federal law. Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law provides that any person who solicits or receives any remuneration in return for the referral, or promised referral, of any individual to a person for the furnishing or arranging for the furnishing of any service or merchandise for which payment may be made under the Medi-Cal program, or in return for the purchasing, leasing, ordering, or arranging for, or recommending the purchasing, leasing, or ordering of any goods, facility, service, or merchandise for which payment may be made under that program, is guilty of a crime, except as specified. Existing law further provides that any person who offers or pays any remuneration to refer any individual to a person for the furnishing or arranging for furnishing of any service or merchandise for which payment may be made under the Medi-Cal program, or to purchase, lease, order, or arrange for or recommend the purchasing, leasing, or ordering of any goods, facility, service, or merchandise for which payment may be made under that program, is guilty of crime, except as specified. This bill would exempt from

the above criminal provisions practices or transactions between a federally-qualified health center, as defined, and any individual or entity only to the extent sanctioned or permitted by federal law.

Status: CHAPTERED

AB 2339
Ridley-
Thomas

Colorectal cancer

Existing law creates the Prostate Cancer Treatment Program in the State Department of Health Services. This bill would establish the Colorectal Cancer Screening and Treatment Program in the department. The program would be applicable to specified persons, and would provide screening, medical referral, diagnosis, treatment, and outreach and education services. This bill would authorize the Colorectal Cancer Screening and Treatment Program to use the Medi-Cal program fiscal intermediary to enroll providers and to pay claims under specified conditions. The bill would require the department to award one or more contracts for colorectal cancer screening and treatment services, and to submit an annual report to specified committees of the Legislature. This bill would be implemented only if funds are appropriated for purposes of this bill.

Status: Died in Assembly Appropriations Com.

AB 2379
Chan

Medi-Cal: managed care

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and other low-income persons. Existing law provides for the department to enter into contracts with managed care systems, hospitals, and prepaid health plans for the provision of various Medi-Cal benefits. Existing law prohibits services covered by the California Children's Services program from being incorporated into a Medi-Cal managed care contract entered into after August 1, 1994, until September 1, 2008, except with respect to contracts entered into for county organized health systems in specified counties. This bill would extend to September 1, 2012, the termination of the prohibition against CCS covered services being incorporated into a Medi-Cal managed care contract entered into after August 1, 1994.

Status: CHAPTERED

AB 2450
Richman

Health care coverage: Cal-Health program

Existing law establishes various programs, including the Medi-Cal program and the Healthy Families Program, to provide health care benefits to eligible persons. Under existing law, the Healthy Families Program is administered by the Managed Risk Medical Insurance Board, and the Medi-Cal program is administered by the State Department of Health Services. Existing law also provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and requires plans to pay the department licensure fees and other fees, as specified, as reimbursement for administering the provisions regulating plans. This bill would enact the Cal-Health Act that would require the State Department of Health Services to establish an enrollment and retention program to serve as a single point of entry, but not the exclusive method of enrollment and retention, for all health care programs offered by the state and local government agencies. This bill would establish a 3-part health care coverage program. The bill, as the first part, would require each resident of the state to obtain minimum health care coverage, as defined. The bill, as the 2nd part, would require the Secretary of California Health and Human Services to work in conjunction with counties to establish a purchasing exchange through which an essential benefits plan, developed by the Managed Risk Medical Insurance Board and the Department of Managed Health Care, would be made available. The bill, as the 3rd part, would require the board and the department to establish a subsidy program for eligible qualified employers, as defined, who offer essential benefits health coverage for eligible employees. The bill would authorize the Franchise Tax Board to withhold any overpayment of income tax by a resident who failed to obtain minimum health care coverage that would be used to obtain coverage through the resident's purchasing exchange. The bill would impose a tax on the gross premiums, as specified, of health care service plans that would be deposited into the Universal Health Care Fund, which would be created by the bill. The bill would, upon appropriation by the Legislature in the annual Budget Act, allocate the revenue in the fund to the Managed Risk Medical Insurance Board for specified health care coverage purposes.

Status: Failed in Assembly Com. on Health.

- AB 2583
Nation *Dispensing prescription drugs and devices: refusal to dispense*
Existing law prohibits a health care licentiate from obstructing a patient in obtaining a prescription drug or device, and requires the licentiate to dispense drugs and devices pursuant to a lawful prescription or order, except in specified circumstances, including on ethical, moral, or religious grounds asserted by the licentiate if certain requirements are met. Existing law authorizes the California State Board of Pharmacy to issue a citation for a violation of these provisions and authorizes its executive officer to issue a letter of admonishment for their violation. Existing law, the Pharmacy Law, requires every pharmacy to prominently post a notice to consumers provided by the board concerning the availability of prescription price information, the possibility of generic drug product selection, and the types of services provided by pharmacies. A violation of the Pharmacy Law is a crime. This bill would require the consumer notice posted in pharmacies to also contain a statement describing patients' rights relative to access to prescription drugs or devices. By changing the definition of a crime, this bill would impose a state-mandated local program.
Status: CHAPTERED
- AB 2607
De La Torre *Medi-Cal: managed care: persons with disabilities*
Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law allows the department to contract with one or more prepaid health plans in order to provide Medi-Cal benefits. Existing law allows the Director of Health Services to contract with any qualified individual, organization, or entity, including counties, to provide services to, or arrange for or case manage the care of, Medi-Cal beneficiaries. This bill would enact the Mandatory Medi-Cal Managed Care Pilot Program. Under this program, until July 31, 2012, and subject to the enactment of subsequent legislation, the department would be authorized to require, in up to 2 counties, on a pilot basis, that seniors and persons with disabilities who are not expressly excluded from enrollment be assigned as mandatory enrollees to new or existing Medi-Cal managed care health plans. The bill would require the department, by March 1, 2007, to submit to the appropriate policy and fiscal committees of the Legislature a proposed implementation plan containing specified elements and prepared in consultation with a stakeholder committee, and to take certain other actions relating to the development of the pilot program. The bill would impose various requirements on managed care plans participating in the program. The bill would require the department to seek federal approval for the program, and to conduct an annual evaluation of the program.
Status: Died in Senate Appropriations Com.
- AB 2745
Jones *Hospitals: discharge plans: homeless patients*
Existing law provides for the licensure and regulation of health facilities by the State Department of Health Services. A violation of these provisions is a crime. Existing law requires each hospital to have in effect a written discharge planning policy and process that requires appropriate arrangements for posthospital care and a process that requires that each patient be informed, orally or in writing, of the continuing care requirements following discharge from the hospital, as specified. This bill would require each hospital to be represented, as specified, in regional planning meetings, convened regionally as defined by the 3 regional hospital associations or through smaller geographic sections comprised of groups of hospitals in one or more counties, to improve the posthospital transition of homeless patients, as specified. The bill would require each regional hospital association, or smaller geographic grouping of hospitals, to invite the county board of supervisors, law enforcement, and others to participate. The bill would require, by January 1, 2008, the development of a specified document based upon the regional planning meetings. The bill would also prohibit a hospital from causing the transfer of homeless patients from one county to another county for the purpose of receiving supportive services from a social services agency, health care service provider, or nonprofit social service provider within the other county, without prior notification to, and authorization from, the social services agency, health care service provider, or nonprofit social service provider. By creating a new crime, this bill would result in a state-mandated local program.
Status: CHAPTERED
- AB 2877
Frommer *Prescription drugs: importation: procurement*
(1) Existing law authorizes the Department of General Services to enter into exclusive or

nonexclusive contracts on a bid or negotiated basis with manufacturers and suppliers of single source or multi-source drugs. Existing law requires specified state agencies to participate in the prescription drug bulk-purchasing program. Existing law requires the department to submit a report to the appropriate policy and fiscal committees of the Legislature on activities that have been, or will be, undertaken pursuant to these provisions. This bill would, among other things, require the department to develop strategies for the state to achieve savings through greater use of generic drugs and would revise the report requirements. (2) Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of the packaging, labeling, and advertising of food, drugs, devices, and cosmetics, under the administration of the State Department of Health Services. Existing law, the Pharmacy Law, provides that any pharmacy located outside of this state that delivers, in any manner, controlled substances, dangerous drugs, or dangerous devices into this state is considered a nonresident pharmacy and requires a nonresident pharmacy to register with the California State Board of Pharmacy and comply with all lawful directions of, and requests for information from, the state in which it is a resident. Existing federal law requires any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug that is imported or offered for import into the United States to register with the federal Secretary of Health and Human Services, report a list of each drug introduced for commercial distribution, and provide required information and statements. This bill would establish the California RxPrescription Drug Web Site Program. The bill would require the State Department of Health Services to administer the program. It would also require the department to establish a Web site on or before July 1, 2008, to provide information to California residents about options for obtaining prescription drugs at affordable prices. The bill would, except as specified, require that the Web site, at a minimum, provide information about, and establish electronic links to, certain federal, state, and pharmaceutical manufacturer programs, and other Web sites. This bill would authorize the department to assess a fee on international pharmacies that the department reviews for possible inclusion on the Web site to offset the cost of reviewing those pharmacies. The bill would require the department's Web site to include price comparisons of prescription drugs, including prices charged by licensed pharmacies in the state. The bill would provide that the implementation of the program shall be contingent upon an appropriation, if the department determines that the requirements of the program cannot be implemented without additional funding, in which case the bill would require the department to request an appropriation from the Legislature for that purpose.

Status: CHAPTERED

AB 2889
Frommer

Health care coverage: federally eligible defined individual

Existing law, the Knox-Keene Health Care Service Plan Act of 1975 (the Knox-Keene Act), provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, a health care service plan and a health insurer are required to include specified coverage provisions in their plan contracts and policies. This bill would require a health care service plan and a health insurer to permit, at least once each year, an individual who has been covered for at least 18 months under an individual plan contract issued by the health care service plan or an individual health benefit plan issued by the insurer to transfer without medical underwriting, as defined, to another individual plan contract or individual health benefit plan offered by the health care service plan or insurer having equal or lesser benefits, as specified. The bill would require a plan and an insurer to rank its products for these purposes and post the ranking on its Internet Web site or make the ranking available upon request. The bill would also require a plan and an insurer to notify its enrollees or insureds of their transfer rights under these provisions. The bill would specify that these requirements do not apply with respect to a federally eligible defined individual enrolled in certain health care coverage, an individual offered conversion coverage, as specified, or an individual enrolled in certain public health care programs.

Status: CHAPTERED

AB 2911
Nunez

California Discount Prescription Drug Program

Under existing law, the State Department of Health Services administers the Medi-Cal program, and is authorized, among other things, to enter into contracts with certain drug manufacturers. Under

existing law, the department is entitled to drug rebates in accordance with certain conditions, and drug manufacturers are required to calculate and pay interest on late or unpaid rebates. This bill would establish the California Discount Prescription Drug Program within the department, applicable only to prescription drugs dispensed to recipients on an outpatient basis. The bill would require the department to negotiate drug discount agreements with drug manufacturers, as specified. The bill would authorize any licensed pharmacy and any drug manufacturer, as defined, to participate in the program. The bill would authorize the department, on August 1, 2010, to require prior authorization in the Medi-Cal program for any drug of a manufacturer if specified conditions are met. The bill would establish eligibility criteria and application procedures for eligible Californians to participate in the program. The bill would establish the California Discount Prescription Drug Program Fund into which all payments received under the program would be deposited. The bill would provide that moneys in the fund shall be made available, upon appropriation, to the department for purposes of the program.

Status: CHAPTERED

AB 2918
Wolk

Medi-Cal: county organized health systems

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law allows any county or counties to establish a special commission in order to meet the problems of the delivery of publicly assisted medical care in the county or counties and to demonstrate ways of promoting quality care and cost efficiency. Existing law allows the board of supervisors of a county, by ordinance, to authorize the commission to provide health care delivery systems to specified populations, including Medi-Cal beneficiaries. This bill would, in addition, allow the board of supervisors of a county, by ordinance, to authorize such a commission to provide health care delivery systems for other individuals or groups in the service area, including, but not limited to, public agencies, private businesses, and uninsured or indigent persons. Existing law allows the commissions operating in the Counties of Santa Cruz and Monterey to enter into contracts for the provision of health care services to certain persons, with specified conditions. This bill would revise this provision to delete the specific application only to the commissions operating in those counties.

Status: CHAPTERED

AB 2979
Richman

Medi-Cal

Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law provides for the federal Medicare Program, pursuant to which health care benefits are provided to seniors and persons with disabilities. This bill would require the department, in consultation with stakeholders, to develop a statewide education and outreach program specific to the needs of seniors and persons with disabilities in an effort to promote a greater understanding of, and increased enrollment in, Medi-Cal managed care. This bill would also, until January 1, 2013, authorize the department to implement the Medicare HMO Wraparound pilot project for eligible individuals in selected counties to provide a coordinated system of care and benefits for individuals who are eligible for both the federal Medicare Program and the Medi-Cal program and who are receiving Medicare services and Medi-Cal HMO Wraparound services.

Status: Died in Senate Appropriations Com.

AB 3019
Daucher

Medi-Cal: Community options and assessment protocol

Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. This bill would require the California Health and Human Services Agency, in consultation with specified entities, to develop and test the Community Options and Assessment Protocol (COAP), to minimize duplication and redundancy of multiple assessments for home- and community-based services and connect consumers under the Medi-Cal program. The bill would require the agency to establish goals, as specified, to be achieved by the COAP. This bill would authorize the agency to enter into competitively bid contracts with technical experts to aid in

the development of the COAP, as specified, and to complete the Request for Proposal by January 31, 2007. The bill would require the agency to brief the Legislature as specified, regarding the project outcomes and findings.

Status: Died in Senate Appropriations Com.

SB 162
Ortiz

State Department of Public Health

Existing law establishes the scope of functions and responsibilities of the State Department of Health Services. This bill would enact the California Public Health Act of 2006, which would establish the State Department of Public Health, to be headed by the State Public Health Officer to be appointed by the Governor, subject to confirmation by the Senate and would rename the State Department of Health Services as the State Department of Health Care Services. The bill would transfer the responsibility for certain programs from the State Department of Health Services to the State Department of Public Health, and would require the State Public Health Officer to convene the Public Health Advisory Committee. The bill would retain responsibility for the remaining programs within the renamed State Department of Health Care Services, and would make conforming changes. These provisions would become operative July 1, 2007. The bill would establish the Office of Change Management within the State Department of Health Services to provide planning and guidance for transition activities prior to July 1, 2007.

Status: CHAPTERED

SB 167
Speier

Seismic and Patient Safety

Under existing law, after January 1, 2008, any general acute care hospital building that is determined to be a potential risk of collapse or pose significant loss of life may only be used for nonacute care hospital purposes. Existing law requires owners of all acute care inpatient hospitals, by January 1, 2030, to either demolish, replace, or change to nonacute care use all hospital buildings not in substantial compliance with the regulations and standards developed by the office or to seismically retrofit all acute care inpatient hospital buildings so that they are in substantial compliance with the regulations and standards developed by the office. Existing law authorizes the Office of Statewide Health Planning and Development to grant a delay in the 2008 deadline to a hospital that states in its application for an extension why the hospital is unable to comply with the deadline requirement, upon a demonstration by the owner that compliance will result in a loss of health care capacity that may not be provided by other general acute care hospitals within a reasonable proximity. This bill would exempt any hospital that is subject to state seismic safety standards for hospitals from the 2008 deadline if the governing body adopts and submits to the State Department of Health Services by July 1, 2006, a resolution that the governing body commits to comply with the January 1, 2030, seismic safety standards by January 1, 2020, if certain conditions are met, and would make violation of these provisions subject to licensure revocation and nonrenewal.

Status: Failed passage in Assembly Health committee.

SB 458
Speier

Health care: county organized health systems

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law authorizes San Mateo County, and other counties electing to do so, to, by ordinance, establish a commission to arrange for the provision of health care services provided pursuant to the Medi-Cal program, and to provide health care delivery systems to other specified persons. This bill would allow a county board of supervisors to authorize such a commission to provide health care delivery systems to other individuals or groups in the service area, including, but not limited to, public agencies, private businesses, and uninsured or indigent persons. The bill would prohibit such a commission from using any payment or reserve from the Medi-Cal program for these purposes. The bill would provide that nothing in these provisions shall prohibit a commission from providing services to those other individuals or groups in counties other than the commission's county if the commission is approved by the Department of Managed Health Care to provide services in those counties. Existing law authorizes a commission operating pursuant to these provisions in the Counties of Santa Cruz and Monterey to enter into contracts for the provision of health care services to persons who are eligible to receive medical benefits under any publicly supported program if specified conditions are met. This bill would extend this authorization to a commission operating

pursuant to these provisions in any county. This bill would provide that its provisions shall not be construed to supersede specified existing law relating to California Children's Services (CCS) covered services.

Status: CHAPTERED

SB 770
Romero

Medi-Cal: provider enrollment

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law requires a Medi-Cal provider applicant that is not currently enrolled in the Medi-Cal program, or a provider required to apply for continued enrollment, in certain circumstances, to submit a complete application package for enrollment, continuing enrollment, or enrollment at a new location or a change in location. Applicants or providers that meet certain criteria may be granted preferred provider status for up to 18 months. This bill would provide that a physician enrolled and in good standing in the Medi-Cal program who is changing locations within the same county is eligible to continue enrollment at the new location by filing a change of location form, which would be developed by the department, in lieu of submitting a complete application package. This bill would require the department to provide notice upon receipt of a form under this provision. This bill would also provide for the expedited enrollment in the Medi-Cal program of any physician and surgeon licensed by the Medical Board of California or osteopathic physician and surgeon licensed by the Osteopathic Medical Board of California, who meets specified conditions and submits a short form application that would be developed by the department. The bill would grant an applicant under these circumstances provisional provider status for 12 months, after which the provider would receive permanent provider status. Existing law requires the department to provide notice within various timeframes upon receipt of applications pursuant to these provisions or from the date of notifying an applicant or provider that he or she does not qualify as a preferred provider. This bill would reduce the timeframes within which the department is required to provide notice under these provisions.

Status: Died in Assembly Appropriations Com.

SB 840
Kuehl

Single-payer health care coverage

Existing law does not provide a system of universal health care coverage for California residents. Existing law provides for the creation of various programs to provide health care services to persons who have limited incomes and meet various eligibility requirements. These programs include the Healthy Families Program administered by the Managed Risk Medical Insurance Board, and the Medi-Cal program administered by the State Department of Health Services. Existing law provides for the regulation of health care service plans by the Department of Managed Health Care and health insurers by the Department of Insurance. This bill would establish the California Health Insurance System to be administered by the newly created California Health Insurance Agency under the control of a Health Insurance Commissioner appointed by the Governor and subject to confirmation by the Senate. The bill would make all California residents eligible for specified health care benefits under the California Health Insurance System, which would, on a single-payer basis, negotiate for or set fees for health care services provided through the system and pay claims for those services. The bill would require the commissioner to seek all necessary waivers, exemptions, agreements, or legislation to allow various existing federal, state, and local health care payments to be paid to the California Health Insurance System, which would then assume responsibility for all benefits and services previously paid for with those funds. The bill would create a health insurance policy board to establish policy on medical issues and various other matters relating to the health care system. The bill would create the Office of Patient Advocacy within the agency to represent the interests of health care consumers relative to the health care system. The bill would create within the agency the Office of Health Planning to plan for the health care needs of the population, and the Office of Health Care Quality, headed by the chief medical officer, to support the delivery of high quality care and promote provider and patient satisfaction. The bill would create the Office of Inspector General for the California Health Insurance System within the Attorney General's office, which would have various oversight powers. The bill would prohibit health care service plan contracts or health insurance policies from being issued for services covered by the California Health Insurance System. The bill would create the Health Insurance Fund and the Payments Board to administer the finances of the California Health Insurance System. The bill would create the California Health Insurance Premium

Commission (Premium Commission) to determine the cost of the California Health Insurance System and to develop a premium structure for the system that complies with specified standards. The bill would require the Premium Commission to recommend a premium structure to the Governor and Legislature on or before January 1, 2009, and to make a draft recommendation to the Governor, the Legislature, and the public 90 days before submitting its final premium structure recommendation. The bill would specify that only its provisions relating to the Premium Commission would become operative on January 1, 2007, with its remaining provisions becoming operative on the date the Secretary of Health and Human Services notifies the Legislature, as specified, that sufficient funding exists to implement the California Health Insurance System. The bill would require that system to be operative within 2 years of that date and would provide for various transition processes for that period. The bill would extend the application of certain insurance fraud laws to providers of services and products under the health care system, thereby imposing a state-mandated local program by revising the definition of a crime. The bill would enact other related provisions relative to budgeting, regional entities, federal preemption, subrogation, collective bargaining agreements, compensation of health care providers, conflict of interest, patient grievances, independent medical review, and associated matters.

Status: VETOED

SB 1175
Hollingsworth

Hospital construction

Existing law prescribes construction requirements for hospital facilities. This bill would declare the intent of the Legislature to enact legislation relating to these hospital facility construction requirements.

Status: Died in Com. on Rules

SB 1245
Figueroa

Health care coverage: cervical cancer screening test

Existing law, the Knox-Keene Health Care Services Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, a plan and a health insurer that include coverage for the treatment or surgery of cervical cancer are deemed to provide coverage for an annual cervical cancer screening test that includes the conventional Pap test and the option of a cervical cancer screening test approved by the federal Food and Drug Administration (FDA). This bill would expand the coverage for an annual cervical cancer screening test provided by a health care service plan or a health insurance policy to include the human papillomavirus screening test, as specified. Because the bill would specify an additional requirement for a health care service plan, the willful violation of which would be a crime, it would impose a state-mandated local program.

Status: CHAPTERED

SB 1309
Scott

Nursing education: grants, loan assumptions, and faculty recruiting and retention

(1) Existing law establishes programs of nursing education at public and private institutions of higher education. This bill would express legislative intent with respect to expanding the capacity of the state's institutions of higher education to prepare students for nursing careers. (2) Existing law establishes the State Department of Education under the administration of the State Board of Education and the Superintendent of Public Instruction, and provides the department with numerous duties and responsibilities with respect to statewide administration of public elementary and secondary education programs and services. This bill would establish a Health Science and Medical Technology Project to provide competitive grant funds to California public schools offering grades 7 to 12, inclusive, to enhance existing or establish new health-related career pathway programs, including programs at California Partnership academies and regional occupational centers and programs, as well as other health science and medical technology pathway programs. The bill would express legislative intent with respect to the funding of this project. The bill would require the State Department of Education to report to the Legislature and the Governor on the efficacy of this project on or before January 1, 2012. The bill would repeal the program as of January 1, 2014. (3) Existing law establishes the Student Aid Commission as the primary state agency for the administration of state-authorized student financial aid programs available to students attending all segments of postsecondary education. Existing law establishes the State Nursing Assumption Program of Loans

for Education (SNAPLE), administered by the commission, under which any person enrolled in an institution of postsecondary education and participating in that loan assumption program is eligible to receive a conditional warrant for loan assumption, to be redeemed upon becoming employed as a full-time nursing faculty member at a California college or university. Among other things, the SNAPLE act establishes eligibility requirements, including the receipt of a graduate degree from an accredited, participating institution before loan assumption payments may be made, limits each participant in the program to one loan assumption agreement, and provides for a progressive assumption of the amount of the loan over 3 consecutive years of teaching, up to a total loan assumption of \$25,000. The SNAPLE act requires the commission to report annually to the Legislature, and states the intent of the Legislature that, commencing with the 2006-07 fiscal year, funding necessary for the administration of the program shall be included within the annual budget of the commission. This bill would amend the SNAPLE act to authorize the award of loan assumption agreements under the program to undergraduate students and to authorize the making of loan assumption payments to applicants who have taught on a part-time basis for the equivalent of 3 full-time academic years. The bill would authorize the extension of the term of a loan assumption agreement if a natural disaster prevents a program participant from completing one of the years of required teaching service. The bill would express the intent of the Legislature that the amendments made by the bill apply retroactively to existing loan assumption agreements made under the program, and would authorize the commission to amend any existing loan assumption agreements and to issue new loan assumption agreements to conform to this bill. The bill would also make various technical, nonsubstantive changes in the SNAPLE act. This bill would establish a loan assumption program for employees of specified state facilities within the SNAPLE program. This program would provide loan assumption benefits to persons who fulfill agreements to work full time for 4 consecutive years as clinical registered nurses in state-operated 24-hour facilities, as specified, that employ registered nurses and that, at the time the person commences employment at the facility, have a vacancy rate of greater than 10% in clinical registered nursing positions, as reported, pursuant to the bill, to the commission by the Department of Personnel Administration. The program would provide for a progressive assumption of the amount of a qualifying loan over 4 consecutive years of qualifying clinical registered nursing service, up to a total loan assumption of \$20,000. The bill would require the commission to report specified data about program participants annually to the Legislature. The bill would require the Office of the Legislative Analyst to submit, on or before May 1, 2011, a report to the Legislature that includes the findings and recommendations of the Legislative Analyst with respect to the efficacy of the program. The bill would provide that this program would become inoperative on July 1, 2012, and would be repealed on January 1, 2013.

Status: CHAPTERED

SB 1334
Perata

Medi-Cal: prescription drug benefit

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits, including, for certain beneficiaries, prescription drug benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law provides for the federal Medicare Program, which provides health care benefits, including prescription drug benefits, to persons 65 years of age and older and other specified persons. Under the Medicare Program, prescription drug benefits are obtained through enrollment in a prescription drug plan offered under the program. Existing law requires Medicare-eligible persons who are also eligible for Medi-Cal prescription drug benefits to obtain those benefits through a prescription drug plan under the Medicare Program, except as specified. This bill would make technical nonsubstantive changes to that authorization.

Status: Died in Com. on Rules.

SB 1338
Alquist

California Health Care Infrastructure Authority

Under existing law, the State Department of Health Services and the California Health and Human Services Agency have various responsibilities relating to the provision of health care. This bill would require the agency, in consultation with the department and the California Department of Managed Health Care, to establish and operate the California health care infrastructure program, to improve the quality of health care in California, and to reduce the cost of health care through the advancement of health information technology. The bill would require, within one year of

establishment, and updated annually thereafter, the agency to develop and deliver to the Legislature a plan regarding the opportunity for every resident of the state to have an electronic health care record, and would specify the required contents of the plan. Implementation of the plan would be contingent upon enactment of subsequent statutory authorization. The bill would set forth the other responsibilities of the agency, including, among others, conducting research, implementing pilot projects as necessary, and pursuing a waiver to enable the Medi-Cal program to participate in the statewide information technology infrastructure under the bill. This bill would authorize the agency to receive various forms of funding to be used, upon appropriation by the Legislature, for purposes of the bill. It would require the authority to submit an annual report of its activities to the Governor and the Legislature.

Status: Died in Com. on Health.

SB 1371
Maldonado

Medi-Cal: smart cards

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law requires the department to provide certain Medi-Cal beneficiaries with a Medi-Cal card certifying specified information. Existing law allows the department to issue, in addition to Medi-Cal cards, benefits identification cards for the purpose of identifying individuals eligible for the Medi-Cal program. This bill would require the department to develop and implement a pilot program for the use of smart cards by Medi-Cal beneficiaries. The bill would require that the cards contain codes that link each beneficiary to information relating to that beneficiary's identity, medical information, Medi-Cal eligibility, and any other information deemed necessary by the department. The bill would impose specified requirements on the department with respect to the development of an implementation plan and the choice of a vendor, and would require that the department deploy the smart cards by January 1, 2008, in 3 to 5 consenting counties. The bill would require the department to report to the Legislature by January 1, 2009, on the pilot program.

Status: Died in Assembly Appropriations Com.

SB 1398
Chesbro

Medi-Cal: managed care: reimbursement

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law allows the Director of Health Services to contract with any qualified individual, organization, or entity to provide services to, or arrange for or case manage the care of, Medi-Cal beneficiaries. Existing law requires certain Medi-Cal managed care plans to be licensed by the Department of Managed Health Care under the Knox-Keene Health Care Service Plan Act of 1975. This bill would require the State Department of Health Services to annually provide, to the appropriate policy and fiscal committees of each house of the Legislature, specified information relating to the reimbursement rates for managed care plans under the Medi-Cal program authorized by the department, as a part of the May Revision of the annual Budget Act. The bill would prohibit the department from implementing or continuing a reimbursement rate for a Medi-Cal managed care plan, if the rate is below the rate determined by the actuarial methodology used for developing these rates, without consulting with the Department of Managed Health Care regarding the fiscal impact of the adjustments on the managed care plan.

Status: VETOED

SB 1414
Migden

California Fair Share Health Care Act

Existing law generally regulates the conduct of employers and employees in the state and gives the Department of Industrial Relations various responsibilities in this regard, including levying and collecting assessments from employers to provide revenue to fund certain activities related to employment matters, such as workers' compensation and occupational safety. Existing law establishes the federal Medicaid Program, which is administered by each state. California's version of this program is the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law provides for the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health care services to children under 19 years of age. Existing law establishes the Access for Infants and Mothers (AIM) Program, administered by the Managed

Risk Medical Insurance Board, to provide health insurance coverage for certain eligible persons who pay a subscriber contribution. This bill, the California Fair Share Health Care Act, would require an employer with 10,000 or more employees in the state, who does not elect to contribute, in support of the Medi-Cal program, the difference between the amount the employer spent on health insurance costs and an amount equal to a specified percentage of the total wages paid to employees in the state in the immediately preceding calendar year, to spend an amount equal to that specified percentage on employee health insurance costs, as defined. This bill would impose civil penalties on an employer that fails to provide information or make payments as required by the bill. The bill would create the California Fair Share Health Care Fund, which would be expended by the State Department of Health Services and the board, upon appropriation by the Legislature, for purposes of funding the services and operations of the Medi-Cal, Healthy Families, and AIM Programs. The fund would consist of payments, including the prescribed penalties, made to the Director of Industrial Relations by employers that fail to spend the amount required by the bill on employee health insurance costs, as defined. The bill would authorize the director to exempt an employer from the requirement to pay into the fund under certain circumstances. This bill would require affected employers to file an annual report with the Director of Industrial Relations, including the total amount the employer spent on health insurance costs in the immediately preceding calendar year, and the corresponding percentage of nonexempt employee wages paid to employees that amount represents. The bill would require this report to be accompanied by an affidavit, signed under penalty of perjury, declaring that the information provided is true and correct. By expanding the crime of perjury, the bill would impose a state-mandated local program.

Status: VETOED

SB 1448
Kuehl

Health care: Medi-Cal: uninsured persons

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and which provides health care services to qualified low-income recipients. The Medi-Cal program is partially governed and funded by federal Medicaid provisions. Existing law, the Hospital/Uninsured Care Demonstration Project Act, implements that portion of a specified federally approved Medicaid demonstration project waiver relating to hospital funding. Existing law establishes the Health Care Support Fund, which is continuously appropriated to the department for specified purposes related to the implementation of the above demonstration project waiver. This bill would implement that portion of the federally-approved demonstration project waiver relating to the expansion of Medi-Cal managed care enrollment and the extension of health care coverage to individuals currently uninsured. The bill would, in implementation of that waiver and subject to federal financial participation, enact the Health Care Coverage Initiative Act for the purpose of extending health care coverage to those individuals. The bill would require that the initiative be designed and implemented to achieve specified outcomes, including expanding the number of Californians who have health care coverage. It would require the department to allocate the federal funds available to be claimed, and to select participating programs that best meet the requirements and desired outcomes of the initiative. The bill would provide that a county, city and county, consortium of more than one county, or health authority is eligible to apply for the initiative funds, would specify application requirements, and would require the department to select at least 5 entities and to seek to balance the allocations throughout geographic areas of the state. Allocations would be made for a 3-year period, and selected entities would be required to provide local funds or intergovernmental transfers necessary to claim federal funds. The bill would require that federal funds under the initiative supplement, and not supplant, funds that would otherwise be used for health care services, and would limit the amount of funds that may be used for program administration. The bill would require the department, in consultation with any of specified entities, to evaluate the initiative, and would require the department to monitor the programs funded under the initiative for compliance with applicable requirements. The bill would provide that the provisions governing the initiative shall become inoperative on the date that the director executes a declaration stating that the federal demonstration project waiver has been terminated by the federal Centers for Medicare and Medicaid Services, and shall, 6 months after the date the declaration is executed, be repealed. This bill would appropriate \$200,000 from the General Fund and \$200,000 from the Federal Trust Fund to the State Department of Health Services for these purposes.

Status: CHAPTERED

- SB 1461
Florez *Health care: primary care: grants in aid*
Existing law requires the State Department of Health Services to select certain primary care clinics to be reimbursed for delivering medical services, including preventative health care, and smoking prevention and cessation health education to program beneficiaries, based upon specified criteria. This bill would delete obsolete provisions governing the reimbursement of those services during prior fiscal years. Existing law requires each primary care clinic, applying for funds pursuant to the program, to demonstrate that it meets specified conditions, including, among other things, that it is located in an area federally designated as a medically underserved area, or medically underserved population. This bill would revise those conditions to require that a primary care clinic be located in an area or a facility federally designated as a health professional shortage area, medically underserved area, or medically underserved population, and would make related changes.
Status: CHAPTERED
- SB 1518
Aanestad *Medi-Cal: eligibility*
Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law provides that the health care benefits and services under the Medi-Cal program, to the extent that those services are neither provided under any other federal or state law nor provided nor available under other contractual or legal entitlements of the person, shall be provided to any person who is a resident of California and is made eligible by the provisions of law governing Medi-Cal eligibility. This bill would make a technical, nonsubstantive change to this provision.
Status: Died in Com. on Rules.
- SB 1534
Alarcon *Public benefits*
Federal law, Section 411 of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), provides that certain persons are not eligible for defined state and local public benefits unless a state law is enacted subsequent to the effective date of the act, August 22, 1996, that affirmatively provides for that eligibility. Existing law establishes programs to provide aid or health care, or a combination thereof, to persons who meet eligibility requirements. Existing law requires each county or city and county to provide aid to its indigent population not supported by other means, and those county programs are commonly referred to as general assistance programs. This bill would declare the intent of the Legislature to affirm the ability of counties, cities, and hospital districts, at their own discretion, to provide health care and other services to all residents. The bill would authorize any city, county, city and county, or hospital district to provide aid, including health care, to persons who, but for the above-referred to provision of the federal PRWORA, would meet the eligibility requirements for any program of that entity.
Status: CHAPTERED
- SB 1584
Runner *Income Tax: health savings account*
The Personal Income Tax Law authorizes various deductions in computing income that is subject to tax under that law. This bill would, for taxable years beginning on or after January 1, 2004, allow a deduction in connection with health savings accounts in conformity with recently enacted federal law, providing that the deduction would be an amount equal to the aggregate amount paid in cash during the taxable year by or on behalf of an eligible individual, as defined, to a health savings account of that individual, as provided. This bill would also provide related conformity to that federal law with respect to treatment of the account as a tax-exempt trust and the allowance of rollovers from Archer medical savings accounts to a health savings account. This bill would take effect immediately as a tax levy.
Status: Died in Assembly Health Com.
- SB 1659
Cox *Hospital seismic retrofit*
Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, requires the Office of Statewide Health Planning and Development to assume prescribed duties relating to construction and alteration of hospital buildings, including, but not limited to, review and approval of construction plans, in order to ensure that the buildings would be reasonably capable of providing services after a disaster. Existing law sets forth the facilities plan application requirements,

including, but not limited to, that the application be accompanied by the plans and full, complete, and accurate specifications. This bill would authorize the office to permit electronic submission of plans.

Status: CHAPTERED

SB 1661

Health facilities: seismic safety: construction

Cox

Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, establishes, under the jurisdiction of the Office of Statewide Health Planning and Development, a program of seismic safety building standards for certain hospitals constructed on and after March 7, 1973. Existing law requires, after January 1, 2008, any general acute care hospital building that is determined to pose a potential risk of collapse or pose a significant risk of loss of life to be used only for nonacute care hospital purposes. Existing law authorizes the Office of Statewide Health Planning and Development to extend the January 1, 2008, deadline for certain hospital buildings of a general acute care hospital, if specified conditions are met. This bill would authorize the office to grant an additional extension of up to 2 years, of the January 1, 2013, deadline if the hospital building subject to the extension meets prescribed requirements, including that it is under construction at the time of the request for this extension, and that the hospital has made reasonable progress in meeting the deadline, but for reasons beyond its control it is impossible for it to meet the deadline. The bill would authorize the office to revoke this extension for abandonment or suspension of construction as specified, unless the hospital can demonstrate that the abandonment or suspension was caused by a condition beyond the hospital's control. The bill would also require an owner of a general acute care hospital who either has or has not submitted an extension request pursuant to the bill to submit, under specified circumstances, prescribed reports to the office, and would require the office to make these reports.

Status: CHAPTERED

SB 1691

California State Pharmacy Assistance Program

Runner

Under existing law, the State Department of Health Services administers the Medi-Cal program, and is authorized, among other things, to enter into contracts with certain drug manufacturers. Under existing law, the department is entitled to drug rebates in accordance with certain conditions, and drug manufactures are required to calculate and pay interest on late or unpaid rebates. This bill would establish the California State Pharmacy Assistance Program within the department to provide discount prescription drugs for low-income uninsured Californians. This bill would declare that it is to take effect immediately as an urgency statute.

Status: Died in Assembly Com. on Health.

SB 1702

Health care coverage

Perata

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, a health care service plan and a health insurer are required to offer a standard benefit plan, as specified, pursuant to a pilot program ending on September 1, 2007. Existing law requires the Managed Risk Medical Insurance Board to make payments from the Major Risk Medical Insurance Fund, which is continuously appropriated, to plans and insurers for the provision of health care services under the standard benefit plan. This bill would extend the duration of the pilot program to December 31, 2007, and would add a provision to the Budget Act of 2006 to transfer \$4,000,000 from the unallocated account in the Cigarette and Tobacco Products Surtax Fund to the Major Risk Medical Insurance Fund. Because the bill would increase the amount of revenue in the fund and extend the time during which the board would make payments from it, the bill would make an appropriation. The bill would also impose a state-mandated local program by extending the requirements of the pilot program with respect to health care service plans.

Status: CHAPTERED

SB 1704

Health care benefits

Kuehl

Existing law requests the University of California to assess legislation proposing a mandated health benefit or service, as defined, to be provided by health care service plans and health insurers, and to prepare a written analysis in accordance with specified criteria. This bill would, instead, request the University of California to establish the California Health Benefit Review Program to assess

legislation proposing to mandate a benefit or service, as defined, and legislation proposing to repeal a mandated service or benefit, as defined, that, if enacted, would become effective on or after January 1, 2008, and to prepare a written analysis in accordance with specified criteria. Existing law further requests the University of California to develop and implement conflict-of-interest provisions that would prohibit a person from participating in any analysis in which he or she knows or has reason to know he or she has a material financial interest. Existing law requests the University of California to submit a report to the Governor and the Legislature no later than January 1, 2006, regarding the implementation of the aforementioned provisions. This bill would request the University of California to submit another such report to the Governor and the Legislature by January 1, 2010. Existing law provides funding for the University of California's implementation of these provisions from fees imposed upon health care service plans and health insurers, which would not exceed a total of \$2,000,000, and are to be deposited in the Health Care Benefits Fund. This bill would extend to January 1, 2011, the repeal date of those provisions, and would authorize the continued imposition of that fee through the 2009-10 fiscal year.

Status: CHAPTERED

SB 1708 *Medi-Cal: county organized health systems: fraud*
Ackerman Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. Existing law allows the California Medical Assistance Commission to negotiate exclusive contracts with any county that seeks to provide, or arrange for the provision of, Medi-Cal health care services. The system of services provided by or through a county pursuant to these provisions is known as a county organized health system. Existing law prohibits specified fraudulent acts in connection with Medi-Cal claims and services. This bill would require the department to prepare a report assessing statewide compliance by county organized health systems with current requirements applicable to those entities regarding provider and beneficiary fraud against the Medi-Cal program. The bill would require the department to provide the report to the Legislature on or before January 31, 2007.
Status: Died in Senate Com. on Health.

SB 1787 *Personal income taxes: deductions: health savings accounts*
Ackerman The Personal Income Tax Law authorizes various deductions in computing income that is subject to tax under that law. This bill would, for taxable years beginning on or after January 1, 2004, allow a deduction in connection with health savings accounts in conformity with recently enacted federal law, providing that the deduction would be an amount equal to the aggregate amount paid in cash during the taxable year by or on behalf of an eligible individual, as defined, to a health savings account of that individual, as provided. This bill would also provide related conformity to that federal law with respect to treatment of the account as a tax-exempt trust and the allowance of rollovers from Archer medical savings accounts to a health savings account.
Status: Died in Senate Com. on Revenue and Taxation.

SB 1804 *Health care: product database*
Florez Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care, and makes a willful violation of the act a crime. Existing law requires the department to maintain a database of health care service plans that operate in each of the state's counties. Existing law also provides for the regulation of health insurers by the Department of Insurance and requires the Insurance Commissioner to annually publish and distribute to consumers a comparison of insurance rates report, as specified. This bill would, on and after July 1, 2008, require the Department of Managed Health Care to include additional information in its database regarding those health care service plans. The bill would, on and after July 1, 2008, also require the Department of Insurance to maintain a database of health insurers by county that includes specified information about those health insurers. The bill would, on and after July 1, 2007, require health care service plans and health insurers to provide the respective departments with information relating to their products on a quarterly basis.
Status: Died in Assembly Health Com.

Safety

AB 352
Koretz

Firearms: microstamping

Existing law defines unsafe handguns as failing to pass certain tests, or lacking certain features, as specified. This bill would, commencing January 1, 2009, expand the definition of unsafe handgun to include semiautomatic pistols that are not designed and equipped with a microscopic array of characters, that identify the make, model, and serial number of the pistol, etched into the interior surface or internal working parts of the pistol, and which are transferred by imprinting on each cartridge case when the firearm is fired. By expanding the definition of "unsafe handgun," the manufacture, sale, and other specified transfer of which is a crime, this bill would expand the scope of an existing crime, and thereby impose a state-mandated local program. Existing law requires the submission of handguns by manufacturers for determining if the handguns are unsafe, as specified. This bill would provide that, commencing on January 1, 2009, no handgun may be submitted for that testing unless the handgun is designed and equipped with a microscopic array of characters, that identify the make, model, and serial number of the pistol, etched into the interior surface or internal working parts of the pistol, and which are transferred by imprinting on each cartridge case when the firearm is fired.

Status: Died in conference.

AB 525
Chu

Child abuse reporting

Existing law defines the term "child abuse or neglect" for purposes of mandatory reporting of suspected instances of child abuse or neglect. Existing law specifies certain agencies to which mandated reports of suspected child abuse or neglect shall be made. Existing law requires those agencies to forward those reports that are determined not to be unfounded to the Department of Justice. Existing law also authorizes, but does not require, the reporting of instances where a child suffers or is at substantial risk of suffering serious emotional damage, as specified. This bill would generally conform the procedures for authorized reporting of instances of child abuse or neglect involving emotional damage, as specified, to certain existing procedures applicable to mandated child abuse reporting. By increasing the reporting burden on local law enforcement agencies, this bill would impose a state-mandated local program. Existing law requires a representative of a child protective services agency performing an investigation resulting from a required report of suspected child abuse or neglect to inform the individual who is the subject of the investigation, at the first contact, of the complaints or allegations against that person, as specified. This bill would apply that requirement in the context of reports of child abuse or neglect involving serious emotional damage that are authorized to be reported. By increasing the duties of local government entities in connection with investigating certain instances of suspected child abuse, this bill would impose a state-mandated local program. Existing law requires the investigating agency investigating suspected child abuse or neglect, upon completion of the investigation or after there has been a final disposition of the matter, to inform the mandated reporter of the results of the investigation and of any action the agency is taking with regard to the child or family. This bill would apply that requirement to the context of reports of child abuse or neglect involving serious emotional damage that are authorized to be reported. By increasing the duties of local government entities in connection with investigating certain instances of suspected child abuse, this bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Status: CHAPTERED

AB 944
Ridley-
Thomas

Firearms

Existing law generally regulates the licensing and conduct of firearms dealers. This bill would reorganize those provisions. Existing law requires firearms dealers to post certain warnings pertaining to firearms at their place of business. This bill would require an additional warning regarding the dangers of firearms in the home, as specified. Existing law authorizes the Department of Justice to determine, as specified, how certain required information pertaining to firearms

transactions shall be submitted by firearms dealers to the department, and describes other documents pertaining to firearms transactions. This bill would require all firearms sales contracts to have the warning conspicuously printed on the first page of the contract. Existing law, subject to exceptions, generally requires persons purchasing handguns to obtain a handgun safety certificate, as specified. Existing law authorizes the Department of Justice to develop an instruction manual for purposes of obtaining the certificate, and to make the manual available to the public. This bill would require the instruction manual to have conspicuously printed on the front page, the specified warning pertaining to the dangers of firearms in the home.

Status: Died in Senate Com. on Public Safety

AB 1144
Harman

Playground safety standards

Existing law requires the State Department of Health Services, in consultation with specified other agencies and entities, to adopt regulations for the design, installation, maintenance, inspection, supervision where appropriate, and training of personnel involved in the design, installation, and maintenance, of playgrounds either operated by public agencies or operated by any entity where the playground is open to the public. This bill would repeal the laws governing playground safety standards on January 1, 2008. As of January 1, 2008, this bill would continue to require the State Department of Social Services to convene a working group to make recommendations to the Legislature for minimum safety requirements for playgrounds, as specified. This bill would also require all new playgrounds open to the public and all playgrounds open to the public which were installed between January 1, 1994, and December 31, 1999, to conform with playground-related standards set by the American Society for Testing and Materials and the playground-related guidelines set by the United States Consumer Product Safety Commission, as specified. Equipment or modification of components inside existing playgrounds would also have to conform to the playground-related standards set by the American Society for Testing and Materials and the playground-related guidelines set by the United States Consumer Product Safety Commission, as specified.

Status: CHAPTERED

AB 1189
Bermudez

Vehicles: motorcycles: motorcyclist safety training programs

Existing law authorizes the Commissioner of the California Highway Patrol, through contracts with other public agencies or with private entities, to provide financial or other support to projects aimed at enhancing motorcycle operation or safety, including rider training programs. This bill, additionally, would authorize the commissioner to provide financial or other support to projects aimed at enhancing both motorcycle operation and safety. The bill would authorize the commissioner, through contracts with other public agencies or with private entities, to adopt specified standards for a premier motorcyclist safety training program, and, on and after January 1, 2008, would prohibit the commissioner from imposing a maximum amount for course fees for courses provided under one of those programs. The bill would require motorcycle training safety courses offered under one of those programs to meet specified requirements, and would require all administrative costs of those programs to be paid for by the provider, and not by the state.

Status: CHAPTERED

AB 1781
Mountjoy

Highways: victim signs

Existing law requires, until January 1, 2007, that the Department of Transportation design, place, and maintain, or cause to be designed, placed, and maintained, "Please Don't Drink and Drive" signs on state highways in memory of accident victims killed in accidents involving another party who was convicted of drunk driving or various other offenses and in certain other cases, if such a sign is requested or consented to by a family member of the accident victim and the requester pays a fee to cover the department's costs, as specified. This bill would delete the January 1, 2007, sunset date for this program, thereby extending the program indefinitely.

Status: CHAPTERED

- AB 1872
Cohn *Domestic violence: punishment*
Current law provides that any person who, during the commission of a felony or attempted felony, knows or reasonably should know that the victim is pregnant, and who, with intent to inflict injury, and without the consent of the woman, personally inflicts injury upon a pregnant woman that results in the termination of the pregnancy is subject to an enhancement of 5 years. This bill would provide, instead, that any person, during the commission of a felony or attempted felony, knows or reasonably should know that the victim is pregnant, and without the consent of the woman, personally inflicts great bodily injury upon a pregnant woman or inflicts injury upon a pregnant woman that results in the termination of the pregnancy is subject to an enhancement of 5 years.
Status: Failed passage in Senate Public Safety Com.
- AB 1873
Torrice *Child protection: safe surrender*
Existing law designates certain locations as safe-surrender sites for the safe surrender of newborn children who are 72 hours of age or younger. This bill would expand the scope of those provisions to apply to children who are 30 days old or younger. The bill would permit a local fire agency upon the approval of the appropriate governing body of the agency to designate a site. The bill would specify that a safe-surrender site and its personnel have no liability for a surrendered child prior to taking actual physical custody of the child.
Status: VETOED
- AB 1907
Lieu *Office of Child Abuse Prevention: multidisciplinary personnel*
Under existing law, the Office of Child Abuse Prevention is established in the State Department of Social Services. The office is authorized to allocate funding for child abuse treatment and prevention projects, including multidisciplinary services. Existing law defines "multidisciplinary personnel" for purposes of child abuse prevention services as a team of 3 or more persons trained in the prevention, identification, and treatment of child abuse and neglect cases and who are qualified to provide a broad range of services related to child abuse. Under existing law, a multidisciplinary personnel team may include, among others, psychiatrists, psychologists, and other trained counseling personnel. This bill would revise the definition of multidisciplinary personnel to include marriage and family therapists.
Status: VETOED
- AB 1976
Nava *Vehicles: school zone fines*
(1) Existing law, in the case of specified driving violations occurring in a specially posted school zone, in Alameda County, Santa Barbara County, Ventura County, or in any city in any of those counties, doubles the fine in the case of misdemeanors, and increases the fine, as specified, in the case of infractions, if that county or city opts to apply this program. Existing law requires the enhanced portion of the fine to be deposited in a special account in the county treasury, to be used exclusively to pay for the cost of school pedestrian-bicyclist safety programs administered by a city or county that has opted to apply the program. Existing law authorizes Alameda County, Santa Barbara County, Ventura County, or any city in any of those counties, in collaboration with local school districts, to establish a school pedestrian-bicyclist safety program and receive funds from that special account, if the funds are used to fund programs that enhance the safety of students traveling to and from school on foot or by bicycle. Existing law repeals these provisions on January 1, 2007, unless a later enacted statute, enacted before that date, deletes or extends that date. This bill would extend that repeal date until January 1, 2008. (2) The bill would declare that, due to the unique circumstances applicable only to Alameda County, Santa Barbara County, and Ventura County, and because of the need to test this model in a pilot program, a general statute within the meaning of a specified provision of the California Constitution cannot be made applicable and a special statute is necessary.
Status: Failed passage in Senate Public Safety Com.

- AB 1999
Torrice
Sales taxes: Survivors of Domestic Violence and Sexual Abuse Fund
The Sales and Use Tax Law imposes a tax on the sale of or the storage, use, or other consumption of, tangible personal property in this state at specified rates. This bill would, in addition, impose a tax on the sale of or the storage, use, or other consumption of, tangible personal property that is harmful matter, as defined, in this state at a rate of 1%. This bill would create the Survivors of Domestic Violence and Sexual Abuse Fund and require that all revenues, less refunds, derived from the tax be transferred to the fund. This bill would continuously appropriate all of the money in the fund to the State Department of Health Services for programs that support survivors of domestic violence and sexual assault. This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature. This bill would take effect immediately as a tax levy.
Status: Died in Assembly Com. on Revenue & Taxation
- AB 2051
Cohn
Domestic violence
Existing law requires the Secretary of State to establish fees for the costs of processing forms for registering domestic partnerships. This bill would establish a fee of \$23 to be imposed upon persons registering as domestic partners to develop and support a training curriculum specific to lesbian, gay, bisexual, and transgender domestic abuse support service providers who serve that community in regard to domestic violence, and to provide brochures specific to lesbian, gay, bisexual, and transgender domestic abuse, as specified. The bill would establish the Equality in Prevention and Services for Domestic Abuse Fund for the deposit and use of those fees. Existing law requires the Secretary of State to return a copy of the certificate of registration to registered domestic partners. This bill would also require a brochure specific to lesbian, gay, bisexual, and transgender domestic abuse prepared by the State Department of Health Services to be printed by the Secretary of State and made available to, upon request by, certain domestic partner registrants, as specified. Existing law requires the State Department of Health Services to administer a program of grants to support battered women's shelters. Existing law also establishes a council to advise the department for those purposes. This bill would revise the grant program to include the lesbian, gay, bisexual, and transgender community for certain purposes of the grant program. The bill would also require membership on the council by representatives of the lesbian, gay, bisexual, and transgender community. Existing law requires specified training for law enforcement officers in regard to domestic violence. This bill would additionally require that the commission responsible for that training program, consult with a representative of service providers serving victims of domestic violence in the lesbian, gay, bisexual, and transgender community. Existing law requires the Office of Emergency Services to conduct statewide training workshops on domestic violence for local centers, law enforcement, and other service providers designed to enhance service programs. Existing law also requires that office to develop and disseminate throughout the state information and materials concerning domestic violence. Existing law also establishes a council to advise the office for these purposes. This bill would require the training workshops to also include a curriculum component specific to lesbian, gay, bisexual, and transgender domestic abuse. The bill would also require membership on the council by at least one representative of the lesbian, gay, bisexual, and transgender community. Existing law establishes a grant program administered by the Office of Emergency Services for specified service providers relative to domestic violence. This bill would establish a similar grant program administered by that and funded by the Equality in Prevention and Services for Domestic Abuse Fund for grants to serve the lesbian, gay, bisexual, and transgender community relative to domestic abuse, as specified.
Status: CHAPTERED
- AB 2084
Karnette
Domestic violence shelter-based programs
Existing law provides for the funding of county programs to assist victims of domestic violence. Under existing law, a portion of each fee paid at the time of issuance of a marriage license and of authorization for the performance of a marriage is required to be collected for deposit into the county domestic violence programs special fund. Existing law requires the fees collected in the special fund to be disbursed to approved domestic violence programs on a yearly or more frequent basis. Existing law sets forth the requirements applicable to counties distributing funds to these programs, and also

sets forth eligibility, operation, and reporting requirements for the domestic violence programs and centers to which funding is provided. When a county lacks sufficient funds in the county domestic violence programs special fund to finance basic domestic violence shelter services, and community resources are not available, existing law authorizes the county to finance one or more of those basic services. This bill would redesignate the domestic violence programs and centers as "domestic violence shelter-based programs." The bill would recast and revise the requirements applicable to these programs and to counties, including, among other provisions, revising the definition of domestic violence for purposes of the bill. The bill would provide that a domestic violence shelter-based program is, to the extent feasible, required to provide services to, or assist in referring, physically disabled victims of domestic violence. This bill would limit a county's ability to require information from domestic violence shelter-based programs funded by the bill, and would prohibit a county from requiring information in a manner inconsistent with the federal Violence Against Women Act. This bill would identify the primary purpose of the process to determine eligibility of a domestic violence shelter-based program for funding is to ascertain that the program meets applicable service requirements. It would specify that domestic violence shelter-based programs funded under the bill would be authorized to use the funds in an unrestricted manner, and that these funds may be used for both direct and indirect costs. This bill would authorize the county to fund basic domestic violence program services, notwithstanding either the sufficiency of funds in the domestic violence shelter-based program special fund or the availability of community resources. This bill would also require that any fees received by Alameda County, Contra Costa County, Solano County, and the City of Berkeley, in excess of the fee collected at the time of issuance of a marriage license under these provisions, shall be available to that city or county for funding domestic violence programs other than domestic violence shelter-based programs.

Status: CHAPTERED

AB 2111
Haynes

Firearms: unsafe handgun registry

Existing law provides that the Department of Justice may charge licensed firearms manufacturers, as specified, and persons who import into the state for sale, keep for sale, or offer or expose for sale any pistol, revolver, or other firearm capable of being concealed upon the person in this state, an annual fee not exceeding the costs of preparing, publishing, and maintaining the roster listing handguns that are not unsafe, and the costs of research and development, report analysis, firearms storage, and other program infrastructure costs necessary to implement those provisions related to determining unsafe handguns, as specified. This bill provide that if a purchaser has initiated a transfer of a handgun that is listed on the roster as not unsafe, and prior to the completion of the transfer, the handgun is removed from the roster of not unsafe handguns because of nonpayment of the fee required to list the handgun on the register, the handgun would be deliverable to the purchaser if the purchaser is not otherwise prohibited from purchasing or possessing the handgun. The bill would also provide that if a purchaser has initiated a transfer of a handgun that is listed on the roster as not unsafe, and prior to the completion of the transfer, the handgun is removed from the roster because of a failure during retesting, as specified, the handgun would not be deliverable to the purchaser.

Status: CHAPTERED

AB 2129
Spitzer

Restraining orders: relinquishment of firearms

Existing law requires a person who is subject to a temporary restraining order or injunction that prohibits certain forms of harassment, violence, harm, intimidation, or abuse to relinquish a firearm. If the person is present in court at a duly noticed hearing, the court must order that person to relinquish the firearm, by either surrendering the firearm to the control of local law enforcement or selling the firearm to a licensed gun dealer, within 24 hours of the order. If the person is not present in court, the respondent is required to relinquish the firearm within 48 hours after being served with the order. The person must file a surrender receipt with the court within 72 hours after receipt of the order. The bill would instead require the person to surrender the firearm within 24 hours of being served with the order without regard to whether the person is present in court. This bill would also require the person to present a surrender receipt to the court within 48 hours after receipt of the order.

Status: CHAPTERED

AB 2131

Assault weapons

- Haynes Existing law, subject to exceptions, generally prohibits possession of assault weapons, unless registration and other criteria have been met, as specified. Existing law also authorizes permits for assault weapons, as specified. Possession of an assault weapon in violation of these provisions is a crime. This bill would revise permit and registration procedures for assault weapons obtained from intestate succession and assault weapons being brought into the state by person moving into the state, and for other persons wishing to acquire an assault weapon, as specified. The procedures would in part require a person who wishes to acquire, or who is bringing into the state, as specified, an assault weapon, to obtain a permit from the Department of Justice and to apply for a Certificate of Eligibility. The bill would require issuance of the permit for an assault weapon if the Certificate of Eligibility is issued. The bill would make prompt compliance with the permit process by licensed firearms dealers a condition of licensure. The bill would authorize additional transfers of assault weapons and .50 BMG rifles by licensed firearms dealers, in specified circumstances.
Status: Died in Assembly Com. on Public Safety.
- AB 2139 *Emergency protective orders*
Garcia Existing law authorizes a law enforcement officer to seek an emergency protective order when the officer asserts reasonable grounds to believe that a person is in immediate and present danger of domestic violence, that a child is in immediate and present danger of abuse by a family or household member, that a child is in immediate and present danger of being abducted by a parent or relative, or that an elder or dependent adult is in immediate and present danger of abuse, or that a person is in immediate and present danger of stalking as specified. An emergency protective order expires at the earlier of the 5th court day or 7th calendar day following the date of issuance. This bill would require a law enforcement officer who responds to a situation in which the officer believes that there may be grounds for the issuance of an emergency protective order, to inform the person for whom the order may be sought or, if the person is a minor, his or her parent or guardian, as specified, that he or she may request the officer to request an emergency protective order. The bill would require an officer to request an emergency protective order if the officer believes that the person requesting an emergency protective order is in immediate and present danger.
Status: CHAPTERED
- AB 2199 *Diversion: firearm offenses*
Harman This bill would establish a pretrial diversion education program for persons arrested for nonviolent misdemeanor or felony firearms offenses. The bill would specify the parameters, application, and procedures relative to the diversion program, authorize imposition of costs and fines upon divertees, as specified, and specify other procedural elements relative to dismissal of charges and elimination of the arrest for purposes of criminal records, as specified.
Status: Died in Assembly Com. on Public Safety.
- AB 2306 *Schools: crime on campus*
Walters Existing law regulates conduct on school campuses and subjects persons who act in violation of those provisions to criminal penalties. This bill would declare legislative intent to protect students from violent crime on school campuses.
Status: Died at Desk.
- AB 2427 *Vehicles: motorcycles: safety helmets: exceptions*
Canciamilla Existing law requires a driver and any passenger to wear a safety helmet meeting certain requirements when riding on a motorcycle, motor-driven cycle, or motorized bicycle. This bill would exempt from this requirement a specified driver who is 18 years of age or older and either has completed a motorcycle rider training program or has been issued a class M1 license or endorsement, or a comparable license or endorsement from another jurisdiction, for 2 years or more.
Status: Failed passage in Assembly Com. on Transportation.
- AB 2465 *Pedestrian-bicyclist safety: vehicles: school zone fines*
De La Torre Existing law, in the case of specified violations relating to rules of the road and driving under the influence, doubles the fine in the case of misdemeanors, and increases the fine, as specified, in the case of infractions, if the violation is committed by the driver of a vehicle within a highway

construction or maintenance area during any time when traffic is regulated or restricted by the Department of Transportation or local authorities pursuant to existing law or is committed within a designated Safety Enhancement Double Fine Zone. Existing law authorizes Alameda County, Santa Barbara County, Ventura County, or any city within those counties, in collaboration with a school district within their jurisdiction, to establish a school pedestrian-bicyclist safety program by a vote of the city council, or the county board of supervisors, as appropriate. Existing law requires a city or county that adopts the program to promptly notify specified law enforcement agencies and requires the county treasurer to deposit the amount of the enhanced portion of the fine in a special account in the county treasury to be used exclusively to pay for the cost of school pedestrian-bicyclist safety programs administered as provided. Existing law repeals those provisions on January 1, 2007.

Status: Died in Assembly Appropriations Com.

AB 2521
Jones

Firearms

Existing law requires persons who hold a federal firearms license to either obtain a verification number from the Department of Justice when delivering, transferring, or selling a firearm to another federal firearms licensee, or show proof of exemption from local licensing requirements. Violation of these provisions is a misdemeanor. This bill would revise those provisions by removing the option of showing proof of exemption from local licensing and require the transferors to obtain a verification number. The department would then determine if an exemption applies, as specified. The bill would expand the use of the verification number by the department for certain purposes. Violation of these provisions would be punishable as a misdemeanor. By changing the definition of an existing crime, this bill would impose a state-mandated local program. Existing law requires a person who as a dealer, importer, manufacturer, or collector of firearms holds a federal firearms license, and whose licensed premises are within the state, to provide a copy of the license to the Department of Justice, as specified. A violation of these provisions is an infraction. This bill would repeal those provisions and instead provide, commencing January 1, 2008, for a centralized list of federal firearms licensees who are exempt from obtaining a firearms dealer license pursuant to state law. Among other things, to be on the centralized exempted federal firearms licensee list, the licensees would have to provide the basis for their exemption to the department. The bill would provide that supplying a fictitious name, knowingly supplying false information or knowingly omitting information from the declaration would be punishable as a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program. The bill would authorize, commencing January 1, 2008, the department to assess an annual fee upon those licensees for purposes of maintaining the list and for other enforcement and compliance costs. The bill would provide that those licensees may not import or receive firearms unless they are listed on the centralized list of exempted federal firearms licensees or exempted firearms manufacturers. A violation of that requirement would be punishable as a misdemeanor. The bill would require certain records be kept for specified periods of time by the exempted federal licensees. A violation of those provisions would be punishable as a misdemeanor.

Status: CHAPTERED

AB 2537
Montanez

Weapons: school prohibition

Existing law, subject to exception, provides that any person who brings or possesses, among other things, any instrument that expels a metallic projectile such as a BB or pellet through the force of air pressure, CO2 pressure, or spring action, upon the grounds of, or within, any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison. Existing law excludes from this offense a person who brings such an instrument with the written permission of the school principal or his or her designee. This bill would expand the scope of the offense to include bringing or possessing any instrument that expels a nonmetallic BB.

Status: Died in Senate Appropriations Com.

AB 2605
Bogh

Driving under the influence: sanctions

(1) Existing law makes it an infraction for a person under the age of 21 years who has 0.05% or more, by weight, of alcohol in his or her blood to drive a vehicle. This bill would make the above offense a misdemeanor punishable by imprisonment in the county jail, as specified. Because this

would increase the duties imposed on local criminal justice systems, the bill would impose a state-mandated local program. (2) Existing law makes it a misdemeanor for a person to be convicted of a driving under the influence offense having been convicted of 2 separate prior violations of driving under the influence offenses within 10 years. This bill would make the recent violation punishable as a misdemeanor or felony, thereby imposing a state-mandated local program by increasing the level of service imposed on local criminal justice systems.

Status: Failed passage in Assembly Com. on Public Safety.

AB 2673
Bogh

Vehicles: DUI

Existing law prohibits a person who has specified level of alcohol in his or her blood from driving a vehicle. It is a crime for a person to violate this prohibition. This bill would prohibit a person who has a measurable amount of controlled substances in his or her blood from driving a vehicle, thereby creating a new crime.

Status: Failed passage in Assembly Com. on Public Safety.

AB 2696
Huff

Recreational safety: skateboard parks: scooters

(1) Existing law provides that neither public entities nor public employees are liable to any person who participates in a hazardous recreational activity. Existing law defines "hazardous recreational activities" for these purposes to include various activities. This bill would provide that the use of a nonmotorized scooter or an electric scooter is a hazardous recreational activity for the purposes of those provisions. (2) Existing law, in effect until January 1, 2008, provides that skateboarding at a public skateboard park that is constructed after January 1, 1998, is a hazardous recreational activity if the person skateboarding is 14 years of age or older, the skateboarding activity is stunt, trick, or luge skateboarding, and the skateboard park is on public property, as specified. That law, also in effect until January 1, 2008, requires local public agencies to maintain a record of all known or reported injuries incurred by skateboarders in a public skateboard park or facility, and other information regarding these incidents, as specified, and requires that copies of those records be filed annually with the Judicial Council which is required to submit a report to the Legislature by March 31, 2007, on these incidents, including claims arising therefrom. This bill would revise the age element of the provision so that skateboarding as described above would be deemed a hazardous activity if the person skateboarding is 10 years of age or older.

Status: Failed passage in Assembly Com. on Judiciary.

AB 2728
Klehs

Firearms

Existing law provides a judicial procedure for declaring a firearm an assault weapon, as specified. This bill would repeal those provisions. Existing law authorizes the Attorney General to declare a firearm an assault weapon. This bill would provide that authorization ends January 1, 2007. Existing law generally regulates the possession of assault weapons and .50 BMG rifles. This bill would provide that possession of any assault weapon or of any .50 BMG rifle in violation of specified provisions of law would be a public nuisance. The bill would authorize the Attorney General, any district attorney, or any city attorney to bring an action in superior court, in lieu of criminal prosecution, to enjoin the possession of the assault weapon or .50 BMG rifle and seek civil fines of up to \$300 for the first assault weapon or .50 BMG rifle that is a public nuisance, and up to \$100 for each additional assault weapon or .50 BMG rifle that is a public nuisance. The bill would further provide that any assault weapon or .50 BMG rifle possessed in violation of specified provisions of law would, subject to exception, be destroyed, as specified. The bill would also provide that upon conviction of any misdemeanor or felony involving an assault weapon, the assault weapon would be deemed a nuisance and disposed of as specified.

Status: CHAPTERED

AB 2820
Leslie

Automobile driver training: Teenage Driver Safety Program

Existing law, in the case of specified violations relating to rules of the road and driving under the influence, doubles the fine in the case of misdemeanors, and increases the fine, as specified, in the case of infractions, if the violation is committed by the driver of a vehicle within a highway construction or maintenance area during any time when traffic is regulated or restricted by the Department of Transportation or local authorities pursuant to existing law or is committed within a

designated Safety Enhancement Double Fine Zone. Existing law authorizes Alameda County, Santa Barbara County, Ventura County, or any city within those counties, in collaboration with a school district within their jurisdiction, to establish a school pedestrian-bicyclist safety program by a vote of the city council, or the county board of supervisors, as appropriate. Existing law requires a city or county that adopts the program to promptly notify specified law enforcement agencies and requires the county treasurer to deposit the amount of the enhanced portion of the fine in a special account in the county treasury to be used exclusively to pay for the cost of school pedestrian-bicyclist safety programs administered as provided. Existing law repeals those provisions on January 1, 2007. This bill would require the Commissioner of the Highway Patrol to, in consultation with each school district that maintains one or more high schools with pupils who receive instruction in automobile driver training, develop a three-dimensional film on the subject of the dangers of teenage driving, and procure, whether by purchase, lease or other agreement, at least eight mobile three-dimensional theaters available to tour the state and show the three-dimensional film. The bill would authorize moneys deposited in the special account in the county treasury for school pedestrian-bicyclist safety programs to also be used for the purpose of showing the three-dimensional film and would appropriate \$6,000,000 from those funds to the Commissioner of the Highway Patrol for that purpose. The bill would also extend the repeal date of the program and related provisions of law to January 1, 2012.

Status: Died in Assembly Com. on Transportation.

AB 2865
Torrico

School safety

Existing law, the Health Schools Act of 2000 requires that the preferred method of managing pests at schoolsites be to use effective, least toxic pest management practices and requires schoolsites to maintain records of all pesticides used at the schoolsite for a period of 4 years. Existing law requires schools to provide all staff and parents or guardians of pupils enrolled at a school written notification of, among other things, expected pesticide use at that site. This bill would expand the definition of "schoolsites" as used in these provisions to also include private child day care facilities, as specified. This bill would also require property owners to notify tenants who operate a child day care facility of their pest management practices and to provide a specified notice prior to the application of pesticides. This bill would also require child day care facilities to inform contractors hired to apply pesticide at the schoolsite that the facility must comply with the act and require persons hired to apply pesticides at a child day care facility to provide specified information to the facility. This bill would require the Department of Pesticide Regulation to promote and facilitate the adoption of integrated pest management programs at child day care facilities, as specified. This bill would make other conforming changes.

Status: CHAPTERED

AB 2944
Baca

Crime: gang members

Existing law defines "criminal street gang" and "criminal gang activity" for purposes of imposing sentencing for a felony conviction. This bill would declare the intent of the Legislature to require criminal street gang members who are released on parole to be outfitted with a global positioning system tracking device.

Status: Died at Desk.

AB 2966
Sharon
Runner

Individual with exceptional needs: classrooms: cameras

Existing law establishes the Community Policing and Mentoring for School Safety Pilot Program under the administration of the State Department of Education in order to ensure that pupils enrolled in California public schools attend campuses that are safe, secure, and orderly, and are places in which pupils and staff are free to learn and teach without the threat of physical or psychological harm. Existing law defines an "individual with exceptional needs," for the purposes of certain provisions relating to special education, as a child with a disability that requires instruction, services, or both, that cannot be provided with modification of the regular school program. This bill would authorize a school district that has under its jurisdiction an individual with exceptional needs, as defined, who is not capable of reporting abusive behavior perpetrated against him or her in the classroom to install in each classroom in which that pupil attends classes a fully functional and operating video camera for the purpose of monitoring any instances of abusive behavior perpetrated

against the pupil.

Status: Died in Assembly Com. on Judiciary.

AB 2976
Mountjoy

Child abuse: reporting

Existing law establishes the Child Abuse and Neglect Reporting Act, which requires specified persons who have knowledge of or observe a child in their professional capacity or within the scope of their employment, whom the person knows or reasonably suspects has been the victim of child abuse or neglect to report the known or suspected instance of child abuse or neglect to a specified agency. This bill would create the Child Sexual Abuse, Exploitation, and Rape Reporting and Deterrence Act of 2006, which would require all licensed medical personnel, including physicians and surgeons, physician assistants, nurses, nurse practitioners, and pharmacists, and their ancillaries and assistants to report, within 24 hours of receiving the reportable information, to a law enforcement or child protective agency their knowledge or reasonable suspicion that a minor has contracted a sexually transmitted disease or is pregnant. This bill would make a person who fails to report the information within 24 hours subject to criminal and civil penalties. Existing law makes it unlawful for any person to use any type of aborted product of human conception, other than fetal remains, for any type of scientific or laboratory research or for any other kind of experimentation or study, except to protect or preserve the life and health of the fetus. Existing law requires that any fetal remains used for scientific study must be promptly interred or disposed of at the conclusion of the study. This bill would require a physician or surgeon who performed an abortion on a minor to collect sufficient tissue from the fetal remains and submit the tissue to a district attorney's office for DNA analysis to determine paternity. This bill would require the tissue and documentation regarding chain of custody to be preserved for 4 years in case of use in a criminal proceeding.

Status: Died in Assembly Com. on Public Safety.

SB 59
Lowenthal

Firearms: loss and theft

Existing law defines "firearm" and provides that for certain purposes, including certain offenses, "firearm" includes the frame or receiver of the weapon. This bill would provide that the term "firearm" includes the frame or receiver of the weapon for purposes of the offense of failure to report a stolen or lost firearm. Existing law generally regulates the possession of firearms. This bill would make it an infraction for any person whose handgun is stolen or irretrievably lost to fail, within 5 working days after his or her discovery or knowledge of, or within 5 working days after the date he or she should reasonably have known of, the theft or loss, to report the theft or loss to a local law enforcement agency of the jurisdiction in which the theft or loss occurred or in which the person resides. The bill would require specified notices of this requirement to persons acquiring handguns after July 1, 2007, as specified. The bill would provide that local governments are not prohibited from enacting ordinances imposing reporting requirements that are more strict than those specified in the bill. The bill would require the Attorney General, in cooperation with law enforcement agencies and firearms related organizations to develop a protocol for the implementation of these provisions, as specified, on or before April 1, 2007.

Status: VETOED

SB 212
Lowenthal

Lapses of consciousness: reports to Department of Motor Vehicles

Under existing law, a physician and surgeon is required to report immediately to the local health officer in writing, the name, date of birth, and address of every patient at least 14 years of age or older whom the physician and surgeon has diagnosed as having a disorder characterized by lapses of consciousness. Existing law requires the State Department of Health Services, in cooperation with the Department of Motor Vehicles, to define disorders characterized by lapses of consciousness, and to include within the defined disorders Alzheimer's disease and related disorders that are severe enough to be likely to impair a person's ability to operate a motor vehicle. Existing law further requires the local health officer to provide this information to the Department of Motor Vehicles, for the information of that department in enforcing the Vehicle Code. This bill would delete the existing provisions and instead would authorize a physician and surgeon, commencing January 1, 2008, to report to the Department of Motor Vehicles (DMV) in good faith specified information relating to a patient at least 15 years of age, or 14 years of age if the patient has a junior permit, whom the physician and surgeon has diagnosed as having suffered a lapse of consciousness, if the physician

and surgeon reasonably believes that reporting the patient will serve the public interest. This bill would require a physician and surgeon, commencing January 1, 2008, to report specified information to the DMV, in writing, regarding certain patients the physician and surgeon has diagnosed with Alzheimer's disease or another dementia disorder, or with a disorder characterized by lapses of consciousness within the previous 6 months, as specified. The bill would excuse a physician and surgeon from these mandatory reporting requirements relating to lapse of consciousness disorders under designated circumstances. This bill would exempt a physician and surgeon from civil and criminal liability for making a report authorized or required by the bill. The bill would require the department, upon receipt of a report made pursuant to the bill, to make a determination to revoke or suspend a license based on the evaluation and assessment provided by the reporting physician, and to require a road examination for certain licensees. This bill would require the department, in cooperation with the State Department of Health Services and in consultation with appropriate professional medical organizations, to adopt regulations defining disorders characterized by recurrent lapses of consciousness, and listing those disorders that do not require reporting under the bill.

Status: VETOED

SB 388
Poochigian

Gun violence public education program

Existing law establishes various public awareness programs related to crime prevention and education. This bill would establish a competitive grant pilot program in 3 jurisdictions, to provide for a one-year program to disseminate information regarding current prison penalties for the personal use of a firearm during the commission of certain felonies. The participating jurisdictions would be required to report to the Legislature and the Governor on the impact of the program, as specified. Each jurisdiction would be required to supply a minimum of 25% matching funds. The implementation of the pilot program would be contingent upon the availability of certain federal grant funds. The bill would provide that its provisions are repealed as of January 1, 2009.

Status: Died in Assembly Appropriations Committee.

SB 532
Torlakson

BB devices

Except as otherwise authorized by law, any person who willfully discharges a firearm in a grossly negligent manner that could result in injury or death to a person is guilty of a public offense punishable by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison. This bill would expand the scope of that offense to include a BB device, as defined, would make the offense involving a BB device punishable by imprisonment in a county jail, not exceeding one year.

Status: CHAPTERED

SB 585
Kehoe

Protective orders: firearms

Existing law prohibits a person subject to a protective order, as defined, from owning, possessing, purchasing, or receiving a firearm while that protective order is in effect and makes a willful and knowing violation of a protective order a crime. Existing law also requires the court, upon issuance of a protective order, to order the respondent to relinquish any firearm in that person's immediate possession or control, or subject to that person's immediate possession or control, within 24 hours of being served with the order, by either surrendering the firearm to the control of local law enforcement officials, or by selling the firearm to a licensed gun dealer. Under existing law, a person ordered to relinquish any firearm is required to file with the court a receipt showing the firearm was surrendered or sold within 72 hours after receiving the order. This bill would instead require the person ordered to relinquish a firearm to immediately surrender the firearm in a safe manner, upon request of any law enforcement officer, or within 24 hours as specified above. The bill also would require the person to file a receipt with the court within 48 hours after being served with the order and would provide that the failure to timely file a receipt constitutes a violation of the protective order. Because a willful and knowing violation of a protective order is a crime, the bill would expand the scope of an existing crime, resulting in a state-mandated local program. The bill would also require application forms for protective orders adopted by the Judicial Council and approved by the Department of Justice to be amended to require the petitioner to describe the number, types, and locations of any firearms presently known by the petitioner to be possessed or controlled by the

respondent. The bill would additionally include recommendations for written policies and standards for law enforcement officers who request relinquishment of.

Status: CHAPTERED

SB 803
Ducheny

Ongoing Substance Abuse and Crime Prevention Act of 2005

Existing law, the Substance Abuse and Crime Prevention Act of 2000, was enacted by the voters at the November 2000 general election. Amendment of the act by the Legislature requires a 2/3 vote of both houses of the Legislature. The act requires all amendments to it to further the act and be consistent with its purposes. The act defines "drug treatment program" for purposes of the act, and specifically excludes in-custody drug treatment from that definition. The act creates a Substance Abuse Treatment Trust Fund to provide moneys to cover county costs associated with drug treatment programs, as specified. The act also requires annual and long term effectiveness and financial impact studies on the programs funded by the act as well as periodic audits of the expenditures. This bill would specify, in addition, that the moneys provided by the act cannot be used to fund in any way drug treatment courts or supervision associated with the drug treatment courts. This bill would also provide for 2, 3-year follow-up effectiveness and fiscal impact studies, instead of the annual studies and require the department to submit annual reports on the people served as a result of this act. This bill would permit the department to require a county to undertake a corrective action if a periodic audit determines the county has spent money provided by the act not in accordance with the act. The act defines "successful completion of treatment" as a defendant who has completed the prescribed course of treatment and, as a result, there is reasonable cause to believe that the defendant will not abuse controlled substances in the future. This bill would instead define "successful completion of treatment" as a defendant who has completed the prescribed course of treatment. Completion of treatment would not mean cessation of narcotic replacement therapy. The act requires any person convicted of a nonviolent drug possession offense to receive probation. As a condition of probation, the court is required to require a defendant to participate in, and complete, an appropriate drug treatment program. The act prohibits the imposition of incarceration as a condition of probation. This bill would require drug testing as a condition of probation. The bill would require a person subject to the act to be monitored by the court, as specified. The act does not apply to a defendant who has been convicted of one or more serious or violent felonies, unless the nonviolent drug possession offense occurred more than 5 years after the defendant was free from custody for the prior offense and from the commission of other types of crimes against a person. This bill would, with respect to the above description of a defendant to whom the act does not apply, add the condition that in order to exclude a defendant the court must find that the defendant poses a danger to the safety of others and would not benefit from a drug treatment program, and would similarly prohibit a person who has previously served 3 separate prison terms for non-drug-related felonies from benefiting from the provisions of the bill, if the court makes that finding. The bill would provide that the court shall state its findings, and the reasons for those findings, on the record. The act does not apply to any defendant who, while using a firearm unlawfully possesses or is unlawfully under the influence of certain controlled substances. This bill would instead make its provisions inapplicable to any defendant who, while armed with a deadly weapon unlawfully possesses or is under the influence of certain controlled substances. Under the act, a defendant may petition the sentencing court for dismissal of the charges at any time after completion of drug treatment. This bill would authorize the court, after a hearing to determine whether the defendant has successfully completed treatment and probation, including refraining from the use of drugs after completion of treatment, to set the conviction aside, as specified. Under the act, once the indictment, complaint, or information is dismissed, a record pertaining to the arrest and conviction for that offense may not be used to deny the defendant employment. Under the act, if a defendant violates probation, as specified, the court may revoke probation or it may intensify or alter the drug treatment plan. This bill would authorize a court to also order incarceration for a specified period, in order to enhance treatment compliance, and in some circumstances, to order the defendant to complete a residential drug treatment program if available, or be placed in county jail for not more than 10 days for detoxification purposes only. This bill would however, provide that no incarceration costs will be reimbursed from the fund. Existing law requires an annual study to evaluate the effectiveness of the act. This bill would change the items to be included in that study. Existing law, with some exceptions, prohibits the suspension or revocation of parole for commission of a nonviolent drug possession offense or violating any drug-related

condition of parole. Further, existing law prescribes the steps the Parole Authority is to take upon this type of violation, and the actions that any drug treatment provider must thereafter take, as specified. Drug treatment services are not to be required as a condition of parole for longer than 12 months. This bill would authorize the Department of Corrections and Rehabilitation Division of Adult Parole Operations to make a finding that treatment beyond 12 months is necessary, and under those conditions, treatment may be extended to 24 months.

Status: Died in Assembly Com. on Public Safety

SB 1062
Bowen

Victims of crime: domestic violence and sexual assault

(1) Existing law authorizes victims of domestic violence or stalking to complete an application in person at a community-based victims' assistance program to be approved by the Secretary of State for the purpose of enabling state and local agencies to respond to requests for public records without disclosing a program participant's residence address contained in any public record and otherwise provide for confidentiality of identity for that person, subject to specified conditions. Any person who makes a false statement in an application is guilty of a misdemeanor. This bill would include victims of sexual assault within these provisions. By including a new category of eligible persons, this bill would impose new duties on local public officials and expand the scope of an existing crime, thereby creating a state-mandated local program. (2) Existing law provides that there is in the Office of Emergency Services a Comprehensive Statewide Domestic Violence Program that provides financial and technical assistance to domestic violence shelter service providers. Existing law also provides that the Maternal and Child Health Branch of the State Department of Health Services shall administer a comprehensive shelter-based grant program to battered women's shelters. This bill would provide that if an agency receives funding from both programs during any grant cycle, the Comprehensive Statewide Domestic Violence Program and the Maternal and Child Health Branch shall coordinate agency site visits and share performance assessment data to reduce administrative costs. This bill would make other conforming changes. (3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that with regard to certain mandates, no reimbursement is required by the bill for a specified reason. With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Status: CHAPTERED

SB 1179
Morrow

Recreational activities: skateboarding

Existing law, effective until January 1, 2008, provides that skateboarding at a public skateboard park is a hazardous recreational activity, if all of specified conditions are met, including if the person skateboarding is 14 years of age or older. This bill would reduce that age limit to 12 years of age or older. The bill would also extend the operative dates of those provisions until January 1, 2012, and would make other conforming changes to that provision. Existing law, operative on January 1, 2008, prohibits an operator of a skateboard park from permitting any person to ride a skateboard in the park unless that person is wearing a helmet, elbow pads, and knee pads. Existing law, operative on January 1, 2008, further describes how those requirements may be satisfied with respect to a recreational skateboard facility owned and operated by a local public agency, as specified. This bill would instead make those provisions operative on January 1, 2012.

Status: CHAPTERED

SB 1192
Hollingsworth

Firearms: study

Existing law generally regulates the transfer and possession of firearms. This bill would require the California State University at Sacramento to conduct a study of the impact of various firearms laws on violence and crimes involving firearms. The study would be reported to the Legislature no later than January 1, 2008. The study would be funded by grants and private contributions. The bill states findings and declarations of the legislature in regard to studying the impact of firearms legislation on violence.

Status: Died in Senate Com. on Public Safety.

- SB 1222
Ackerman *Crime: criminal gangs*
Existing law, as amended by initiative, provides that any person who participates in any criminal street gang with knowledge that its members engage in a pattern of criminal gang activity and who promotes felonious criminal conduct shall be punished, as specified. Existing law defines a pattern of criminal gang activity as the commission, attempt to commit, conspiracy to commit, solicitation for, or conviction of 2 or more listed offenses, as specified. Existing law authorizes the Legislature to amend these provisions with a 2/3 vote of each house. This bill would add various crimes relating to prohibited possession of a firearm, carrying a concealed firearm, and carrying a loaded firearm, to those offenses which if committed by members of the criminal street gang establish a pattern of criminal gang activity for purposes of these provisions, as specified.
Status: CHAPTERED
- SB 1227
Denham *Prima facie speed limits: schools*
(1) Under existing law, a 25 miles per hour prima facie limit is established when approaching or passing a school building or school grounds on highways contiguous thereto if posted with a standard "SCHOOL" warning sign while children are going to or leaving the school either during school hours or during the noon recess period, and on when approaching or passing certain separated school grounds. Existing law, however, authorizes a city or county, upon the basis of an engineering and traffic survey that determines that the prima facie speed limit of 25 miles per hour established is more than is reasonable or safe, by ordinance or resolution, to determine and declare a prima facie speed limit of 20 or 15 miles per hour, whichever is justified as the appropriate speed limit by that survey. This bill would enact "The Gonzalez-Martinez-Maloney School Safety Act" and would, until January 1, 2010, establish a 15 mile per hour prima facie speed limit pilot program for the above-described school zones in Merced County and Monterey County. The bill would allow a local authority within those counties, by ordinance or resolution, to determine and declare that the 15 miles per hour prima facie speed limit does not apply to a particular school building or school grounds and to notify the affected school district of that determination. The bill would provide that the 15 mile per hour prima facie speed limit applies to state highways near schools only upon the authorization of the Department of Transportation. Because this bill would create a new crime, this bill would impose a state-mandated local program. The bill would, until January 1, 2010, require local authorities in those 2 counties to report annually on July 1st of each year to the Department of California Highway Patrol on the collisions, citations, average vehicle speed, speed limits, and use of signs specified in (2) in each school zones within their jurisdiction. The bill would require the Department of California Highway Patrol, by January 1, 2009, to collate the submitted data and to report to the Legislature and Governor on the above specified data and to make recommendation on the continued use, expansion, or elimination of the 15 mile per hour prima facie speed limit near schools. Because this bill would impose new duties on local authorities in Merced County and Monterey County, this bill would impose a state-mandated local program. (2) The bill would authorize, until January 1, 2010, local authorities in the state to provide for the posting of temporary speed limits signs on roadways adjacent to school grounds that read "Children Are Present" and indicate the speed limit.
Status: Died in Senate Appropriations Com.
- SB 1239
Hollingsworth *Firearms: transactions*
Existing law generally regulates the transfer of firearms, including various documents to be completed in connection therewith. Existing law provides for a register that contains personal identifying information regarding the seller and purchaser of the firearm. A copy of that document is available to the seller upon request from the firearms dealer. This bill would authorize copies of the document for the seller or purchaser, and would require firearms dealers to redact personal information regarding the firearm seller from the copy of the document provided to the purchaser, and to redact personal information regarding the purchaser from the copy of the document provided to the seller.
Status: CHAPTERED
- SB 1336
Cedillo *Remote stun guns*
Existing law makes it an offense to assault a person, or to assault a peace officer or firefighter during the performance of their duties, as specified, with a stun gun or a taser. This bill would revise the

crimes of assault with a taser upon a person or a peace officer or firefighter, as specified, by changing the penalty therefor to authorize imposition of a fine not to exceed \$1,000 in the case of assault upon a person or a fine of \$1,000 in the case of assault upon a peace officer or firefighter, or in either case by both that fine and imprisonment. The bill would recharacterize "taser" as "remote stun gun," as defined. The bill would make other conforming changes. This bill would provide that, excepting felons, persons addicted to narcotics, and minors, any person may purchase, possess, or transport a remote stun gun for self-defense. The bill would also provide that no person may furnish a remote stun gun to a minor. Violation of these provisions would be a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program. The bill would require that each remote stun gun sold, transported, or possessed bear the name of the manufacturer and a serial number applied by the manufacturer. Violation of these provisions would be an offense. The bill would further provide any person who changes, alters, removes or obliterates the name of the manufacturer, the serial number or any other mark of identification on any remote stun gun would be guilty of an offense. The bill would require registration of purchasers of remote stun guns by the manufacturer, as specified. Possession of an unregistered remote stun gun, or a remote stun gun by a person to whom it is not registered would be a misdemeanor. By creating new crimes, this bill would impose a state-mandated local program. The bill would require every remote stun gun sold to be accompanied by instructions at the time of sale. Violation of these provisions would be an infraction. By creating a new crime, this bill would impose a state-mandated local program. The bill would prohibit persons with certain criminal histories from possessing remote stun guns. The bill would provide enhanced prison sentences for persons committing certain crimes while armed with a remote stun gun. By creating new crimes and enhancements, this bill would impose a state-mandated local program. The bill would impose a background check requirement upon purchasers of remote stun guns. The bill would require, contingent upon available funding, the Attorney General to include the use of a remote stun gun in the annual report to the Legislature detailing the use of firearms in crimes, as specified. The bill would also require, contingent upon funding, that the Attorney General select an independent panel to report upon in custody sudden deaths involving the use of specified restraining techniques, including remote stun guns, as specified.

Status: Failed passage in Senate Com. on Pub. Safety.

SB 1454
Torlakson

Crimes: hazing

Existing law codifies within the Education Code the definition of hazing and imposes criminal penalties on persons who haze. This bill would repeal the Education Code hazing provisions and instead codify within the Penal Code a new definition of hazing and prescribe misdemeanor and felony penalties, as specified. This bill would also allow a person to bring a civil action for injury or damages against individuals who participate in the hazing or organizations who authorize, request, command, participate in, or ratify the hazing.

Status: CHAPTERED

SB 1491
Kuehl

Domestic violence: personal information

Existing law regulates the collection and disclosure of personal information by government agencies and businesses related to, among others, social security numbers, business records, drivers license numbers, medical information, and credit reporting information. This bill would prohibit any person or entity that awards grants to victim service providers, as defined, from requesting or requiring, as a condition of an award, the personally identifying information of victims of domestic violence, dating violence, sexual assault, or stalking, or their children, as specified, or the use of specified computer programs or systems that require the disclosure of that personally identifying information. The bill would also make available to any victim service provider aggrieved by a violation of those provisions, injunctive relief and court costs and attorney's fees in certain cases.

Status: CHAPTERED

SB 1538
Scott

Firearms

Existing law regulates the transfer of firearms. Existing law requires the purchaser of any firearm shall be required to present clear evidence of his or her identity and age, to the dealer, and the dealer shall require him or her to sign his or her current legal name and affix his or her residence address and date of birth to the register, as required. Existing law provides that any person furnishing a

fictitious name or address or knowingly furnishing any incorrect information or knowingly omitting any information required to be provided for the register is guilty of a misdemeanor. This bill would also provide that any person who is prohibited from obtaining a firearm, as specified, who knowingly furnishes a fictitious name or address or knowingly furnishes any incorrect information or knowingly omits any information required to be provided for the register would be punished by imprisonment in a county jail not exceeding one year or imprisonment in the state prison for 8, 12, or 18 months.

Status: CHAPTERED

SB 1545
Poochigian

Firearms

Existing law makes it an offense to carry a concealed firearm, as specified. Existing law imposes various penalties for this offense, based on prior criminal history and other circumstances. This bill would impose an additional and consecutive term of one, 2, or 3 years in state prison upon a person who was prohibited from possessing a firearm because of a previous felony conviction, and who is convicted of another felony related to carrying a concealed weapon or loaded firearm, if specified additional circumstances exist.

Status: Died in Senate Appropriations Com.

Shelter

AB 1574
Jones

Housing: discrimination

The Fair Employment and Housing Act states the intent of the Legislature to occupy the field of regulation of discrimination in employment and housing encompassed by its provisions, exclusive of all other laws prohibiting discrimination in employment and housing by any city, county, city and county, or other political subdivision of the state, except as specified. The act also authorizes the Department of Fair Employment and Housing to receive, investigate, or conciliate complaints, or to issue written accusations regarding unlawful employment or housing discrimination practices. This bill would, notwithstanding these provisions, authorize the County of Sacramento and the City of Sacramento, until January 1, 2010, to enact laws prohibiting discrimination in housing that are substantively identical to the protections against discrimination as provided by the act. The bill would require that a complainant may only bring his or her complaint with either the local Fair Employment and Housing Commission of Sacramento or the department and would require the local commission to conform the interpretation, application, and enforcement of its ordinance to the practices and precedents established by the department.

Status: Failed passage in Senate Judiciary Com..

AB 2161
Hancock

Child welfare services: resource family pilot program

The Community Redevelopment Law requires a redevelopment agency to replace dwelling units housing persons and families of low or moderate income that are destroyed or removed from the low- and moderate-income housing market as part of a redevelopment project that is subject to a written agreement with the agency or where financial assistance is provided by the agency. Existing law also requires that specified percentages of new and substantially rehabilitated dwelling units within a project area that are developed by public or private entities or by persons other than the redevelopment agency be affordable to and occupied by persons of low and moderate income. These replacement, new, or rehabilitated dwelling units are required to remain available at affordable housing cost to, and occupied by, persons and families of low-income, moderate-income, and very low income households for at least 55 years for rental units and 45 years for homeownership units. This bill would, until January 1, 2012, authorize the Redevelopment Agency of the County of Alameda to count the new construction of units outside the project area, but within the City of Hayward towards satisfaction of these housing obligations if certain conditions are met. This authorization would apply only to the Mt. Eden Sub-Area of the Eden Area Redevelopment Project Area. This bill would declare that because of the unique circumstances applicable to the Redevelopment Agency of Alameda County with respect to local housing requirements, a statute of general applicability could not be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution, thus necessitating the enactment of a special statute. This bill would declare that it is to take effect immediately as an urgency statute.

Status: CHAPTERED

AB 2378
Evans

Housing: density bonus

The Planning and Zoning Law requires, when a developer of housing proposes a housing development within the jurisdiction of the local government, that the city, county, or city and county provide the developer with a density bonus or other incentives or concessions for the production of lower income housing units or the donation of land within the development if the developer meets certain requirements, including a requirement that the developer agrees to construct a prescribed percentage of the total units for specified income households or qualifying residents. Existing law requires the applicant for a density bonus, incentive, or concession to agree to, and the city, county, or city and county to ensure, continued affordability of all very low and low-income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. This bill would extend the continued affordability agreement to moderate-income dwelling units in a common interest development by requiring the local government to ensure that affordability by recording against the property deed restrictions to require, for at least 30 years, that the units will be resold to persons and families of moderate income at an affordable housing cost or by recording against the properties deed restrictions or liens providing

for an equity-sharing agreement, as specified.

Status: Died in Senate Transportation and Housing Com.

AB 2484
Hancock

Housing development: density bonuses

Existing law relating to housing developments generally requires a city, county, or city and county to grant density bonuses of specified amounts when an applicant for a housing development seeks and agrees to construct a housing development that includes specified percentages of the total housing units for lower income households, very low income households, senior citizens, or families of moderate income. This bill would provide that these requirements shall not apply to a housing development on a parcel when the maximum allowable residential density exceeds 40 units per acre in metropolitan jurisdictions, 25 units per acre in suburban jurisdictions, 20 units per acre in nonmetropolitan, and 15 units per acre in unincorporated areas in nonmetropolitan counties, and the parking requirements applicable to the parcel do not exceed designated parking standards.

Status: Died in Assembly Coms. on Local Government and Housing & Community Development.

AB 2503
Mullin

Affordable Housing

Existing law requires that a redevelopment agency allocate 20% of tax-increment revenues for housing available at affordable housing cost. Existing law provides that 2 or more public agencies, as defined, by agreement may jointly exercise any power common to the contracting parties. Existing law also requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city consisting of various elements such as a housing element. This bill would authorize cities, counties, and cities and counties to enter into a joint powers agreement to form an affordable housing pooling arrangement for the acquisition, construction, or development of housing that is affordable to lower income families, as defined, within the jurisdiction of the joint powers agency, created by the agreement. The bill would specify how the public agencies may contribute funds to a housing trust fund of the joint powers agency and how the funds may be used. The bill would similarly authorize a local government to include in its housing element a program that establishes a housing trust fund for the same purposes and subject to similar conditions.

Status: Died in Assembly Appropriations Committee.

AB 2511
Jones

Land use: housing

(1) The Planning and Zoning Law prohibits a city, county, city and county, and other local governmental agency from prohibiting or discriminating against a residential development or emergency shelter because of specified reasons, including that the development is intended for occupancy by persons or families of low, moderate, or middle income. This bill would include within this prohibition the intended occupancy by persons or families of very low income. The bill would also prohibit a city, county, city and county, or other local government agency from disapproving a housing development project or conditioning the approval of a housing development project in a manner that renders the project infeasible if the basis for the disapproval or conditional approval includes the prohibited bases of discrimination specified in the Planning and Zoning Law. (2) The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that bears relation to its planning. That law requires this general plan to include several elements, including land use, circulation, housing, open-space, and conservation elements, which are required to meet specified requirements. After the legislative body of a city, county, or city and county adopts all or part of a general plan, the Planning and Zoning Law requires the agency to provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes specified information regarding the status of the plan and progress in its implementation. This report is due by April 1 of each year, except for the 2006 calendar year when it is due on October 1. This bill would require a court to issue an order or judgment compelling compliance with this reporting requirement within 60 days if, upon a motion to that effect, the court finds that a city, county, or city and county failed to timely submit the housing element portion of that report that substantially complies with the applicable requirements. The bill would authorize the court to grant appropriate sanctions and require the court to retain jurisdiction to ensure that its order or judgment is carried out. (3) The

Planning and Zoning Law requires that a local agency not disapprove a housing development project for very low, low-, or moderate-income households or condition its approval in a manner that renders the project infeasible for development for those households unless it makes written findings, based upon substantial evidence in the record, as to one of a number of specified conditions. The Planning and Zoning Law also requires the court, in an action to enforce these provisions, to issue an order or judgment to compel compliance with these provisions within 60 days if the court finds that the local agency disapproved the project or conditioned its approval without making the required findings or without making sufficient findings supported by substantial evidence, and authorizes the court to issue further orders to ensure that the purposes and policies of these provisions are fulfilled if its order or judgment has not been carried out within the 60-day period. This bill would provide that these provisions be known and cited as the Housing Accountability Act. (4) Existing law provides for the adoption and administration of zoning laws, ordinances, rules, and regulations by counties and cities, as well as the implementation of general plans. Existing law declares the intent of the Legislature to provide only a minimum of limitation in order that counties and cities may exercise the maximum degree of control over local zoning matters. Existing law makes various findings and declarations regarding the lack of affordable housing and declares that it is the policy of the state that a local government not reject or make infeasible affordable housing developments that contribute to meeting the state housing need without a thorough analysis of the effects of the action. This bill would state the findings and declarations of the Legislature with respect to some of the laws that provide incentives to facilitate and expedite the construction of affordable housing. (5) The Planning and Zoning Law authorizes a local agency to provide by ordinance for the creation of 2nd units on parcels zoned for single-family and multifamily residence, as prescribed. It also authorizes a local agency to issue a zoning variance, special use permit, or conditional use permit for a dwelling unit of a specified size to be constructed either attached to or detached from a primary residence on a parcel zoned for a single-family residence if the dwelling unit is intended for the sole occupancy of one adult or 2 adult persons aged 62 years or older. This bill would repeal this specific authority of a local agency, but would provide that units constructed pursuant to these variances or permits issued before January 1, 2007, are to be considered in compliance with relevant laws, ordinances, rules, and regulations. (6) The Planning and Zoning Law prohibits a city, county, or city and county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density that is below the density that was utilized by the Department of Housing and Community Development in determining compliance with housing element law unless the city, county, or city and county makes written findings supported by substantial evidence that the reduction is consistent with the adopted general plan, including the housing element, and the remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need. The city, county, or city and county may reduce the residential density for a parcel if it identifies sufficient additional sites, as prescribed. This bill would define a lower residential density below which the city, county, or city and county would be required to make the above described written findings. (7) Existing law requires each city, county, or city and county to ensure that its inventory or programs of adequate sites identified in its housing element can accommodate its share of the regional housing need throughout the planning period and prohibits a city, county, or city and county from reducing, requiring, or permitting the reduction of the residential density for any parcel to a lower residential density that is lower than the density used by the Department of Housing and Community Development in determining compliance with housing element law unless the city, county, or city and county makes specified written findings supported by substantial evidence. This bill would instead require each city, county, or city and county to ensure that its housing element inventory or its housing element program to make those sites available, can accommodate its share of the regional housing need throughout the planning period. The bill would define "lower residential density" for these purposes. (8) The Permit Streamlining Act within the Planning and Zoning Law requires the lead agency that has the principal responsibility for approving a development project, as defined, to approve or disapprove the project within a specified number of days from the date of certification of an environmental impact report, the date of the adoption of a negative declaration, or the determination by the lead agency that the project is exempt from the California Environmental Quality Act. This bill would define "development project" with respect to a development project that is affordable to very low or low-income households and for which the project applicant has applied for or will apply for financial assistance from a public agency or federal agency as a use that consists

of residential units only or a mixed-use development consisting of residential and less than 50% nonresidential neighborhood commercial use, as defined.

Status: CHAPTERED

AB 2634
Lieber

Housing elements

The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. One part of the housing element is an assessment of housing needs and an inventory of land suitable for residential development in meeting the jurisdiction's share of the regional housing need, including an analysis of population and employment trends and other demographic information. The housing element is also required to contain an analysis and program for preserving assisted housing developments to be adopted as an amendment to the housing element by July 1, 1992. Existing law also provides that the failure of the Department of Housing and Community Development to review and report its findings to the local government between July 1, 1992, and the next required periodic review and revision of the housing element shall not be used as a basis for allocation or denial of specified housing assistance. This bill would provide that the required analysis of population and employment trends and quantification of the locality's existing and projected housing needs for all income levels, as specified, shall include extremely low income households, as defined, thus imposing a state-mandated local program. This bill would delete those obsolete provisions and provide that any amendment that alters the required content of a housing element shall apply to any housing element or housing element amendment the first draft of which is submitted to the department, as specified, or where the city, county, or city and county fails to submit the first draft before a specified date.

Status: CHAPTERED

AB 2800
Laird

Housing: discrimination

Various provisions of existing law prohibit discrimination in housing and housing related areas, including real estate licensure, mortgage lending, club membership, development projects, and community redevelopment. The prohibited discrimination includes discrimination based on specified categories, including the race, color, sex, religion, and marital status of a person. The Fair Employment and Housing Act declares that the practice of discrimination because of race, color, religion, sex, marital status, national origin, ancestry, familial status, disability, or sexual orientation in housing accommodations is against the public policy of the state. This bill would amend provisions that prohibit discrimination in housing and specified housing related areas to instead prohibit discrimination on the same bases as in the Fair Employment and Housing Act.

Status: CHAPTERED

AB 2922
Jones

Redevelopment: Low and Moderate Income Housing Fund

Existing law authorizes redevelopment agencies to pay the principal of, and interest on, indebtedness incurred to finance or refinance redevelopment, from a portion of property tax revenues diverted from other taxing agencies. The portion of taxes diverted is the amount attributable to increases in assessed valuation of property in the redevelopment project area subsequent to establishment thereof. This method of financing is commonly known as "tax increment" financing and is specifically authorized by Section 16 of Article XVI of the California Constitution. Existing law requires a redevelopment agency to use at least 20% of its tax increment revenues for the purposes of increasing, improving, and preserving the community's supply of low- and moderate-income housing available at affordable cost to persons and families of low or moderate income and lower, very low, and extremely low income households that are occupied by these persons and families unless the agency makes certain findings. These funds are required to be deposited in a separate Low and Moderate Income Housing Fund. Existing law requires covenants and restrictions on the affordability of all new or substantially rehabilitated housing units developed or assisted with funds required to be used for low- and moderate-income housing to be recorded in the office of the county recorder and makes those covenants and restrictions enforceable by the agency or the community. This bill would make the covenants and restrictions enforceable by any interested party, including a person or family of low or moderate income that is eligible to reside in the property and would require the agency to obtain and maintain a copy of the covenants and restrictions. The bill would

require the agency to also record a separate document entitled "Affordable Housing Restrictions on Transfer of Property," which would be required to contain, among other things, a recitation of the affordability covenants or restrictions and a legal description of the property. The bill would require the county recorder to index this document, the covenants, and restrictions by agency and current owner and would authorize the county recorder to charge all authorized recording fees to any party, including a public agency, for recording this document. (2) Existing law requires a redevelopment agency to replace dwelling units housing persons and families of low or moderate income that are destroyed or removed from the low- and moderate-income housing market as part of a redevelopment project that is subject to a written agreement with the agency or where financial assistance is provided by the agency. Existing law also requires that specified percentages of new and substantially rehabilitated dwelling units within a project area that are developed by public or private entities or by persons other than the redevelopment agency be affordable to and occupied by persons of low and moderate income. These replacement, new, or rehabilitated dwelling units are required to remain available at affordable housing cost to, and occupied by, persons and families of low-income, moderate-income, and very low income households for at least 55 years for rental units and 45 years for home ownership units. This bill would require that covenants be recorded restricting the rental or sale, as specified in existing law, of a dwelling unit if it is to be counted as satisfying these housing obligations. The bill would state that this requirement does constitute a change in, but is declaratory of, existing law. (3) Existing law requires an agency that adopted a redevelopment plan to also adopt every 5 years, after a public hearing, an implementation plan that contains specified information, including the agency housing responsibilities. Existing law requires the implementation plan to contain, among other information, the number of units for very low, low-, and moderate-income households that are developed within a project area by public or private entities or by persons other than the redevelopment agency that are required to be affordable to and occupied by persons of low and moderate income. This bill would additionally require an agency that adopted a redevelopment plan before December 31, 1993, to include in its implementation plan the identification of the affordability level of each dwelling unit developed within a project area by public or private entities or by persons other than the redevelopment agency that are required to be affordable to and occupied by persons of low and moderate income, the period of affordability of those units, including the expiration date of the covenant or restriction, and a verification that the covenants restricting the sale or lease of the units were recorded.

Status: VETOED

AB 2961
Nunez

CalWORKS: nonrecurring special needs: homeless assistance

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states, with California's version of this program being known as the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Existing law provides for the CalWORKs program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals who meet specified eligibility criteria. Existing law establishes maximum aid grant amounts to be provided under the CalWORKs program, and provides, with certain exceptions, that the aid grant amounts shall be adjusted annually to reflect any increases or decreases in the cost of living. Under existing law, after a family has used all available liquid resources in excess of \$100, the family shall be entitled to receive an allowance for nonrecurring special needs, including homeless assistance, under specified circumstances. This bill would revise the purposes for which homeless assistance payment may be provided, to include payment of up to 2 months of rent arrearages when these payments are a reasonable condition of preventing eviction. The bill would also include within the circumstances pursuant to which homeless assistance would be available, when a family receives a notice to pay rent or quit. The bill would increase the amount of assistance available to a family, from \$40 per day to \$65 per day for a family of 4 or fewer, plus \$15 per day for each additional family member up to a daily maximum of \$125. This bill would also revise the manner of calculation of the nonrecurring special need of permanent housing assistance for last month's rent and security deposits. This bill would require the payment of a nonrecurring work support, for 12 months, to an eligible CalWORKs recipient who has recently received homeless assistance, as specified, in order to relieve housing instability. The bill would set forth the amount and manner of payment of the work support, and would provide that the amount of the work support would not

affect the assistance unit's base grant or be included in the assistance unit's income for purposes of eligibility or grant levels for aid. The bill would impose related requirements on county welfare departments, including requiring the county to report to the department data required by the department regarding individuals who receive work support payments pursuant to the bill.

Status: Died in Senate.

AB 3032
Houston

Housing

Existing law establishes standards and procedures for land use and planning and economic development. This bill would state various findings, declarations, and determinations of the Legislature concerning housing and infrastructure development in California.

Status: Died at Desk.

AB 3042
Evans

Regional housing

Existing law requires each city, county, and city and county to adopt for its jurisdiction, according to specified deadlines, a general plan that includes certain mandatory elements, including a housing element. Existing law requires the Department of Housing and Community Development to review local housing elements for conformity with specified provisions of law, including the regional housing needs of the city or county. Under existing law, either a council of governments or the Department of Housing and Community Development, in areas with no council of governments, is required to determine, in accordance with specified procedures, the share of a city or county of regional housing needs in all economic sectors of housing. Existing law establishes the conditions under which the shares of regional housing needs to be met may be transferred among cities and counties. This bill until January 1, 2018 would provide an additional procedure by which a city or county may enter into an agreement to transfer a percentage of its share of the regional housing needs to another city or county.

Status: Died in Senate Com. on Transportation and Housing.

SB 223
Torlakson

Infill housing

Existing law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. One part of the housing element is an assessment of housing needs and an inventory of resources and constraints relevant to meeting those needs. The housing element also includes a program with a 5-year schedule of actions that the local government is undertaking or intends to undertake to implement the goals and objectives of the housing element. Existing law requires the housing element of a local general plan to identify adequate sites for affordable housing to be made available through appropriate zoning and development standards. A city, county, or city and county is required to submit a draft housing element or draft amendment to its housing element to the department for a determination of whether the draft complies with state law governing housing elements. Existing law requires the Department of Housing and Community Development, the California Housing Finance Agency, and various other state and local agencies to administer programs to provide affordable housing through incentives to developers, rental housing assistance, and loans or grants for downpayment, interest subsidy, relocation, veterans' programs, and other home purchase assistance. This bill would establish the Job-Center Housing Planning Program to be administered by the Department of Housing and Community Development for the purpose of providing loans, to the extent funds are made available for this purpose, to cities, counties, and cities and counties to adopt specific plans that provide for additional infill housing opportunities. The bill would require, as a condition of loan eligibility, that a specific plan meet specified criteria, including that it cover an area that is predominantly urbanized and served by public transportation and that it allow for the development of at least 200 new housing units in a nonmetropolitan area or 500 new housing units in a metropolitan area. The bill would limit the amount of a loan from the fund to \$1,000,000 for a term of not more than 10 years at 3% simple interest, except that the department would be permitted to extend the term of the loan. The bill would authorize the use of loan funds for plan-related costs, such as public participation, including a charrette, as defined, outside of regularly scheduled meetings of established governing bodies. The bill would require the department to adopt regulations to implement the program, but would authorize the department to administer the program using guidelines for 24 months from the date funds first become available and during that time the guidelines would not be

subject to the Administrative Procedure Act.

Status: Died in Assembly Appropriations Com.

SB 257
Chesbro

Special needs housing

Existing law creates the California Housing Finance Fund in the State Treasury, and authorizes the transfer of construction loan funds to the construction lender or to the contractor as necessary to meet draws for progress payments pursuant to rules and regulations of the California Housing Finance Agency. Existing law prescribes the powers and duties of the agency with regard to providing loans and subsidizing housing for persons and families of low or moderate income and authorizes the agency to utilize federal subsidies available to provide housing for those families and persons. This bill would additionally authorize the agency to make loans to finance affordable housing, including residential structures, housing developments, multifamily rental housing, special needs housing, as defined, and other forms of housing permitted by provisions regulating housing and community development. The bill would authorize the agency, in addition to any other power conferred pursuant to specified laws governing housing and community development, to issue revenue bonds, in accordance with specified requirements, for the purpose of financing the acquisition, construction, rehabilitation, refinancing, or development of special needs housing, as defined. Existing law requires the agency to be administered by a board of directors, and requires the board to determine the compensation for the executive director of the agency. Existing law prohibits the compensation for the executive director to exceed the salary of the Secretary of Business, Transportation and Housing. This bill would also require the board to determine the compensation for all key exempt management, as prescribed, and would remove the limitation on the executive director's compensation as it relates to the salary of the Secretary of Business, Transportation and Housing. This bill would require the board to establish the compensation in the agency's annual budget, and would require the Department of Personnel Administration to review the board's methodology in establishing the compensation. This bill would require the California Housing Finance Agency to present a plan to the Legislature for the development, acquisition, construction, and rehabilitation of supportive housing. The bill would require the Legislative Analyst's Office to comment on the plan.

Status: CHAPTERED

SB 1322
Cedillo

Housing

(1) The Planning and Zoning Law requires the housing element of the general plan of a city or county to include, among other things, a program with a 5-year schedule of actions that the local government is undertaking or intends to undertake to implement the goals and objectives of the housing element. The program is also required to provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including the development of farmworker housing for low- and very low income households. This bill would in addition add emergency shelters and transitional housing to these provisions, as specified, and would revise the requirements by which a local government may identify sites suitable for the development of emergency shelters under these provisions. The bill would require local governments to designate zones where special needs facilities and transitional housing are a permitted use, either by right or subject to a conditional use permit. By increasing the duties of local public officials, the bill would create a state-mandated local program. The bill would provide that the changes to these provisions only apply to the adoption or amendment of the housing element on or after the effective date of this bill or when revision is otherwise required, whichever comes first, and would also delete obsolete provisions relating to assisted housing developments. (2) The Planning and Zoning Law requires that a local agency not disapprove a housing development project, including farmworker housing, for very low, low-, or moderate-income households or condition its approval, including through the use of design review standards, in a manner that renders the project infeasible for development for those households unless it makes written findings, based upon substantial evidence in the record, as to one of a number of specified conditions. This bill would add emergency shelters and special needs facilities to these provisions and would revise the conditions upon which a disapproval or a conditional approval of an emergency shelter is based. The bill would define "special needs facility" as including community care facilities, residential facilities, social rehabilitation facilities, community treatment facilities, transitional shelter care facilities, transitional housing placement facilities, residential care facilities, and residential care facilities for the elderly, as those terms are

defined in other statutes. By increasing the duties of local public officials, the bill would impose a state-mandated local program.

Status: VETOED

SB 1576
Murray

Foster care: transitional housing

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Existing law authorizes payment for certain transitional housing services to eligible foster youth between 16 and 18 years of age from available moneys in the Transitional Housing for Foster Youth Fund, which is continuously appropriated, or the annual Budget Act. Existing law extends eligibility for these transitional housing placement program services to a person less than 24 years of age who has emancipated from the foster care system in a county that has elected to participate in a transitional housing placement program for youths between 18 and 24 years of age, provided that the person has not received these services for more than a total of 24 months. Existing law provides that the state shall pay 40%, and the county shall pay 60%, of the share of costs for these transitional housing services. This bill would eliminate the requirement for the county to pay a share of the cost for transitional housing services for persons between 18 and 24 years of age, and would limit funding for these services to the amount appropriated in the annual Budget Act.

Status: Died in Assembly Appropriation Com.

SB 1800
Ducheny

General plans: housing

Existing law requires each planning agency to prepare, and the legislative body of each county and city to adopt, a comprehensive, long-term general plan for the physical development of the county or city. The general plan consists of various elements, including a housing element. The housing element consists, in part, of an identification and analysis of existing and projected housing needs in the community and the community's share of regional housing needs, and is to be periodically revised. This bill would require the legislative body of a local agency, as defined, to adopt the general plan, would define the term "long-term," with respect to the general plan, and would require the local government at the same time it revises its housing element to adopt a housing opportunity plan, as described, as a part of the housing element, thereby imposing a state-mandated local program. The bill would create in the State Treasury the Housing Planning Fund, which would be continuously appropriated to the Department of Housing and Community Development for specified purposes relating to housing opportunity plans. The fund would be funded by an unspecified fee imposed upon each application for a building permit for new residential construction collected by cities and counties and paid into the fund. The bill would revise procedures for the adoption of local and regional housing needs, and would make related and conforming changes.

Status: Died in Senate Com. on Transportation & Housing.

Transportation

- AB 1020
Hancock *Transportation planning: improved travel models*
Existing law requires certain transportation planning activities by the Department of Transportation and by designated regional transportation plan. Existing law authorizes the California Transportation Commission, in cooperation with the regional agencies, to prescribe study areas for analysis and evaluation. This bill would require the commission, by December 31, 2007, to adopt guidelines related to the travel demand models used in the development of regional transportation plans by regional transportation planning agencies. The bill would require a regional transportation planning agency for a region with a population of 800,000 or more to use those guidelines. The bill would specify certain policy choices that a travel demand model shall be capable of evaluating. The bill would require the Department of Transportation to assist the commission, on request, in this regard, and would impose other related requirements.
Status: VETOED
- AB 1387
Jones *CEQA: residential infill projects*
The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA prohibits a public agency from approving or carrying out a project for which an environmental impact report has been certified that identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes specified findings with respect to each significant effect, including, among other things, that (1) the changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect on the environment or (2) those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency. The bill would provide that, if a residential project, not exceeding 100 units, with a minimum residential density of 20 units per acre, and within one-half mile of the transit stop, on an infill site, as defined, in an urbanized area, as defined, is in compliance with the traffic, circulation, and transportation policies of the general plan, applicable community plan, applicable specific plan, and applicable ordinances of the city or county, and the city or county with jurisdiction over the area where the project is located requires that the mitigation measures approved in a previously certified project area environmental impact report, as the bill would define that term, applicable to the project be incorporated into the project, the city or county is not required to comply with specified requirements with respect to the making of any findings regarding the significant environmental effects from impacts of the project on traffic at intersections, or on streets, highways, or freeways.
Status: CHAPTERED
- AB 1941
Nava *Vehicles: bicycles*
(1) Under existing law a driver of a vehicle overtaking another vehicle or a bicycle proceeding in the same direction is required to pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle or bicycle, subject to certain limitations and exceptions. A violation of this provision is an infraction punishable by a fine not exceeding \$100 for a first conviction, and up to a \$250 fine for a 3rd and subsequent conviction occurring within one year of 2 or more prior infractions. This bill would recast this provision as to overtaking a bicycle by requiring the driver of a motor vehicle overtaking a bicycle that is proceeding in the same direction to pass to the left at a safe distance, at a minimum clearance of 3 feet, without interfering with the safe operation of the overtaken bicycle. The bill would make a violation of this provision an infraction punishable by a \$250 fine. The bill would make it a misdemeanor or felony if a person operates a motor vehicle in violation of the above requirement and that conduct proximately causes great bodily injury, as defined, or death to the bicycle operator. (2) Under existing law, a person may not operate a vehicle by driving in a designated 2-way left-turn lane, as described, except when preparing for or making a left turn from or into a highway or when preparing for or making a U-turn when otherwise permitted by law. This bill would additionally allow a person to drive a vehicle in a designated 2-way left-turn lane when overtaking and passing a bicycle in order to comply with the driving

requirements described in (1).

Status: Died in Assembly Com. on Transportation.

AB 2444
Klehs

Congestion management and motor vehicle environmental mitigation fees

Existing law provides for the imposition by air districts and other local agencies of fees on the registration of motor vehicles in certain areas of the state that are in addition to the basic vehicle registration fee collected by the Department of Motor Vehicles. This bill would authorize the congestion management agencies in the 9 Bay Area counties, by a 2/3 vote of all of the members of the governing board, to impose an annual fee of up to \$5 on motor vehicles registered within those counties for a program for the management of traffic congestion. The bill would require a program with performance measures and a budget to be adopted before the fee may be imposed. The bill would require the agency to have an independent audit performed on the program and to submit a report to the Legislature on the program by July 1, 2011. The bill would require the Department of Motor Vehicles, if requested, to collect the fee and distribute the net revenues, after deduction of specified costs, to the agency. The bill would require that the fees collected may only be used to pay for programs bearing a relationship or benefit to the owners of motor vehicles paying the fee, and would require the agency to make a specified finding of fact in that regard by a 2/3 vote. This bill would also authorize the Bay Area Air Quality Management District, which is the air pollution control district for the 9-county Bay Area, to impose an annual fee of up to \$5 on motor vehicles registered with its jurisdiction for programs that mitigate the impacts of motor vehicles on the environment, including, but not limited to, storm water runoff mitigation projects, water quality improvement projects, and air quality improvement projects. The bill would require a program with performance measures and a budget to be adopted by the Bay Area Air Quality Management District and the California Regional Water Quality Control Board for the San Francisco Bay Region before the fee may be imposed, and would require the fee to be adopted by a 2/3 vote of the governing board of the district. The bill would require the Department of Motor Vehicles, if requested, to collect the fee and to distribute the net revenues, after deduction of specified costs, to the Bay Area Air Quality Management District and to the California Regional Water Quality Control Board for the San Francisco Bay Region based on a specified formula. The bill would require the recipient agencies to have an independent audit performed on the program and to submit a report to the Legislature on the program by July 1, 2011. The bill would require that the fees collected may only be used to pay for programs bearing a relationship or benefit to the owners of motor vehicles paying the fee, and would require the board to make a specified finding of fact in that regard by a 2/3 vote.

Status: VETOED

SB 1694
Aanestad

Transportation: federal funds: allocation to counties

Existing law requires the Department of Transportation to apportion certain federal transportation funds known as regional surface transportation program funds to specified regional agencies, which in turn apportion their share of funds for projects in each county within their jurisdiction, including funds for secondary highways. Existing law in that regard requires the apportionment to each county of an amount that is not less than 110% of the amount each county received in federal fiscal year 1990-91 under what was then known as the federal-aid secondary program. This bill would require additional apportionments to each county, until October 1, 2009, for these purposes based on a specified formula as a result of changes to federal law. The bill would also require the department to convene a working group to perform specified tasks in that regard.

Status: Died in Senate Appropriations Com.